

CITY OF WIMBERLEY PUBLIC HEARING - January 08, 2019

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CITY OF WIMBERLEY
PUBLIC HEARING
Tuesday, January 8, 2019
at 5:30 P.M.
City of Wimberley Community Center
14068 Ranch Road (RR) 12
Wimberley, TX 78676

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PUBLIC HEARING

TUESDAY, JANUARY 8, 2019

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MAYOR JAGGERS: Okay. It is now 5:30 on the 8th. We're going to call together a formal public hearing.

05:38

The public hearing is gonna conform to the following format: We will state the purpose of the hearing. We'll take considerations, and it'll be taking into account under the law and regulations a brief description of the proposed project, its cost, including the estimated monthly bill to a typical residential household, and any connection fee and any estimate in the private services cost.

05:38

We'll have a question-and-answer period, and those answers will be directed to the appropriate person. Maybe it'll be Mr. Coonan, who's our engineer, or one of the council members, or myself. And maybe even an expert in the audience, if it comes to that.

05:38

We'll have the list of witnesses. In other words, anyone who has signed up, because there's a lot of folks -- way more folks that have signed up, before the two hours are up that will be able to talk, you can provide a written testimony that will be included in the report to the Water Board.

05:39

05:39

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1 Remember, this is a request from the Water Board
2 so that they have a good understanding that the public
3 has had an opportunity to weigh in on this, for them to
4 continue to be willing to give us the funds to do our
5 project.

6 I'd like to thank all parties who have
7 participated in this project over the years. I know
8 that there was a lot of hard work and sweat that went
9 into this, and there was a lot of decisions that had to
10 be weighed, you know, should we go with this data or
11 should we just guess what might be? Or, you know, I
12 know that it was tough, and I know that decisions
13 probably at the time were made with the best information
14 they had.

15 I think we can all agree on the objectives of
16 this sewer system: We needed a sewer system for --
17 primarily for the environment that it was being affected
18 by. We had huge tanks downtown and we had seepage into
19 the creek, that we wanted to make sure it wasn't
20 stopped -- or was no longer gonna continue to be
21 troublesome. We also wanted to be able to afford growth
22 to our citizens -- I mean, to our businesses. They are
23 landlocked, they cannot expand because they have to have
24 that drainage area for their sewage system. But without
25 that, they wouldn't be able to expand.

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1 But we also want to keep in mind that we need to
2 make this property equitable -- this project equitable
3 for everyone because it's not just the users that will
4 be paying for this. Hopefully, eventually it will be
5 just the users. But there's gonna be a period where
6 it's gonna be all the citizens in Wimberley one way or
7 another will be paying for this.

8 Okay. Let's begin with my PowerPoint. This is
9 fresh off the press, and I was working on it still this
10 afternoon.

11 This is the public hearing, like I said, it's
12 January 8th. It's beginning just a few minutes late.
13 It's 15:35 -- or 17:35 -- 5:35, sorry. Military time.
14 One of the purposes of this hearing is to discuss the
15 potential impacts of the project changes and
16 alternatives to it.

17 Now, forgive me if I read off the slide, but I
18 know some of you won't be able to see what the slide
19 says, and those of you who are listening from home will
20 wonder, what's on the slide; I don't know, I can't see
21 it. I'm gonna try to go slow but not agonizingly slow.

22 The four points that we're gonna cover are the
23 proposed project changes, the potential environmental
24 impact with those changes, the alternatives to proposed
25 changes, and the economic impact on the rate payers.

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1 I think I went too fast. Sorry.

2 Okay. So why is the original plan being
3 modified? Okay. In summary, the modified plan is: We
4 believe -- or I believe--and I've been spearheading this
5 from the very minute I took on the mayorship--is that
6 this proposed change is more environmentally
7 responsible, including being a true no-discharge option
8 into Deer Creek and the Blanco River. No discharge.
9 Number-one objective is stop the pollution -- or the
10 potential continued pollution in the river and the
11 creeks. I also feel it is more financially responsible
12 for the initial project cost, but more importantly,
13 lower ongoing annual costs that affect customer rates
14 and city support, as well as long-term financial risks
15 and burdens of the city owning and operating a plant in
16 the Blue Hole Park. The financial costs need to be
17 considered in this.

18 In the proposed project changes listed in an
19 engineering feasibility report that Mr. Coonan here
20 updated December 3rd, 2018, and it was sent to the
21 Wastewater Treatment Board. We're gonna hold questions
22 for Mr. Coonan until later, unless you'd like to talk on
23 it briefly now.

24 STEVE COONAN: No.

25 MAYOR JAGGERS: Okay. This is also online. And

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1 you need to open it up--if you haven't done so
2 already--it is there for you to open it and see what
3 kind of changes from the original EFR that was put out.
4 This is an amendment to it.

5 Talk about the proposed project changes for the
6 collection system. Okay. The collection system
7 generally remains the same as originally planned and
8 being constructed, except the proposal is to connect to
9 Aqua's system instead of a new city wastewater treatment
10 plant.

11 Also, the city will still provide sewer services
12 to the Wimberley area. Initially we estimate it's only
13 gonna serve approximately a hundred residences and
14 businesses. A hundred. The city will still own,
15 maintain and manage the collection system. The city
16 still retains ownership and control of the CCN. CCN is
17 your convenience of -- certificate of convenience and
18 necessity. It is the -- under the ownership of that,
19 the responsibility to provide the service to who is in
20 their area, but it also gives them the right to have the
21 exclusive rights to do it. It's a responsibility and a
22 right.

23 And the last point: The sewer customers will
24 still be served by the city with the city determining
25 the rates. The city will determine the rates.

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1 Under the proposed project changes with regards
 2 to the wastewater treatment. The \$3.1 million sewer
 3 plant that was to be constructed and operated at the
 4 northwest corner of Blue Hole Regional Park, we've
 5 cancelled that contract. And we can discuss that
 6 further, but why? But that plant contract is not in
 7 effect now.

05:46

8 Number two, the city will connect its collection
 9 system to the Aqua Texas System proposal on the west
 10 side of Cypress Creek, which is on this side of the
 11 creek. The side we're on currently.

05:46

12 Aqua will then transport -- has agreed to
 13 transport the wastewater to its existing land
 14 application, which is a non-discharge plant, for
 15 treatment.

05:46

16 For those of you, there are two types of
 17 permits. You can get a TLAP, which is a Texas Land
 18 Application, or you can get a discharge, which means if
 19 you don't have enough acreage to spread your treated
 20 wastewater on, then you're gonna upset the balance, and
 21 you're gonna saturate the ground. You're gonna have to
 22 have another alternate plant where you can discharge it.
 23 It just can't stay in an overflow storage tank.

05:46

24 And the last point is the city would be entering
 25 into a long-term agreement with Aqua Texas for treatment

05:47

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1 of the city's wastewater.

2 Let's take a look at where that looks. Okay.
3 This area here is the original. Nothing's changed on
4 this collection system except for this will be where the
5 main lift station is. We did not have a hard and fast
6 lift station prior to the project starting. The
7 proposal was gonna be over in this area, but those folks
8 that -- declined to have us put it on their property,
9 and it was their right to do that, so we had to look for
10 alternate stations.

11 Fortunately, Ms. Burrows entered into an
12 easement agreement, and she's allowing us to put our
13 main lift station for this whole system there on her
14 property.

15 And that is right where 3237 and Highway 12 --
16 right there at that light, that will be where the lift
17 station is. And it will have a stone wall surrounding
18 it. It'll be more of a decorative nature, so you won't
19 really know as you're coming into town that that is a
20 sewage utility station; it's gonna be camouflaged.

21 Right now the proposal is to cross it here.
22 We're still working on those -- some of those issues
23 with that. It's pretty close to wrapping up with that,
24 though.

25 Aqua treatment terms. We'll talk a little bit

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1 about that.

2 Again, the city will retain the CCN. We will
3 not be transferring that to Aqua. We have the right to
4 do that because we're gonna own the collection system.
5 At any point we can take our effluent on that collection
6 system to service it ourself. But for now my proposal
7 is we're going to send it their way, and we have to have
8 a contract to do that. Aqua will take the city
9 collection system wastewater at the west side of Cypress
10 Creek, transport and process it to their non-discharge
11 wastewater plant. Aqua will be the city's wholesale
12 wastewater treatment provider.

13 Now, they currently service -- their CCN is this
14 area that we're in currently. And they currently
15 service several businesses on this side. It's their
16 CCN.

17 Aqua's cost to do this for us is -- it's a rate
18 cost. It's based on the tariff rates that have been in
19 effect since 2009. What is it now? It's 2019. So for
20 the past 10 years their rates have remained the same for
21 the wholesalers. And for us it will be up to 50,000
22 gallons per day. They will charge a little under \$4500,
23 or approximately a little over 52,000 a year. And if we
24 exceed that quantity and if we go up to 75- gallons per
25 day, you know, the rate is gonna go a little higher

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1 because there's gonna be a lot more effort to handle
2 that.

3 There will be no increase in rates for five
4 years, from the point of this continuing. And an
5 increase thereafter are tied to regulated tariffs. It's
6 not that they're gonna all of the sudden bump it up
7 20 percent. No, it has to go through the regulated
8 tariffs. Aqua will upgrade -- has agreed to upgrade at
9 our request the entire plan from Type 2 to Type 1
10 effluent. It currently -- and Type 2 is not as nice as
11 Type 1. You cannot put Type 1 on areas where children
12 are playing. You can put Type 2 on golf courses like
13 they do up in Woodcreek, but they're not rolling around
14 in it on the ground. That's a -- you know, there's more
15 to it than that, but that's the simple solution: Type 1
16 is better than Type 2.

17 Okay. The reclaimed Type 1 effluent will be
18 made available to the city at no cost. Which means,
19 it's there when we wanna get it. We can truck it down
20 here if we need to or we can find a way to build
21 transportation with the pipeline. We'll talk more about
22 that.

23 The one-time capacity buy-in is considered an
24 impact fee. This is the standard-type fee that all new
25 businesses pay when you join a utility. If you want to

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1 know more about it, the Texas Local Government Code
2 Chapter 395 will give you all the details of how -- the
3 justification for the capital recovery, or the impact
4 fee, is governed.

5 And so when you hear "impact fee," it's the same
6 as a capital recovery fee. 05:51

7 Or some folks might think, well, is that the
8 CIAC fee? And the CIAC is actually -- the council that
9 puts together the capital investment -- a committee.
10 They put together what the rates need to be or the
11 justification for a CIAC fee. 05:52

12 Okay. Reclaimed water. I know there's a lot of
13 interest in that. We do need to be able to utilize
14 that. I would love to see that -- every gallon of it
15 coming right back here to water our area. 05:52

16 Under the Aqua agreement, Aqua will upgrade the
17 plant, again, from Type 2 to Type 1 so that we can use
18 that where we want to in our parks. Type 1 effluent
19 will be made available to us at no cost. In other
20 words, there isn't much of a fair market value for Type
21 1 effluent--mostly golf courses buy it and soccer fields
22 and stuff--but the cost is in the transportation of it,
23 the pipeline to get it back to us. 05:52

24 The city would like to utilize the reclaimed
25 water to provide irrigation to the Blue Hole Park, yes. 05:53

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1 And primarily for the soccer fields, yes. And at this
2 time sufficient funding, though, is not available under
3 this change. And for the reclaimed waterline back to
4 Blue Hole with the scope change, at this time it's not.
5 We can talk more about that. I know some folks are
6 saying, well, it was before. But let's talk about it.

7 Last -- another point is under the city's --
8 until the city develops a plan for a reclaim return
9 waterline, the city will have Type 1 effluent, if need
10 be, trucked from their station to our areas for
11 watering.

12 And under the modified plan all effluent will be
13 beneficially used for irrigation with no discharge into
14 the waterways.

15 Now, until -- what are they gonna do with it?
16 Well, they currently use their effluent to water
17 Woodcreek's golf course. And they also have a pond up
18 there that they put the overflow in. It's gonna go from
19 a Type 2 to Type 1, and this will benefit the entire
20 Wimberley Valley. Whoever wants to get the water from
21 them. Not just us. But when we want the water, we get
22 the water that we put into it back clean.

23 Okay. This next slide. Let's talk about the
24 cost. Project cost summary. This is a -- one of those
25 death by PowerPoint slides.

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1 UNIDENTIFIED SPEAKER: (Inaudible.)

2 MAYOR JAGGERS: I know. I'm sorry about that.
3 I cannot blow it up just because it's a PowerPoint. I
4 tried to do the control up to expand it, and it doesn't
5 receive it. So if you have a tablet or phone and can
6 log in, you can bring it up on your phone and go to
7 Slide No. 10, and you'll be able to see that.

8 Okay. Let's go over a little bit about the
9 slide. And you'll notice I have the arrows here, and
10 those are the significant points.

11 Under the original plan with a plant and the
12 collection system and the engineering and the easements
13 and all the bond reserve, the counsel, financial
14 planning, plus the two years of the construction
15 interest, that was coming in at 7.5 million dollars.

16 That should be a familiar number for a lot of
17 folks here. And actually wanted something -- well, it's
18 really 8.1. They're considering the 600,000 that was
19 taken out to actually do the whole study on this and the
20 engineering to get this project going. That was a
21 separate loan. Of that we have \$36,000 left of it that
22 was loaned to us.

23 If we go to the modified plan, the collection
24 system remains the same. There's no change to that.
25 We're not putting in new lines everywhere. In fact,

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1 we've taken out a few lines, one is where that new
2 easement is gonna be. We don't have it there, so we
3 saved some money there. But it's staying the same as
4 before, the same collection system except, we do have
5 the funds, the park, the funds to connect to Aqua Texas.

6 The treatment plant --

7 UNIDENTIFIED SPEAKER: (Inaudible.)

8 MAYOR JAGGERS: Yes, we've already paid Black
9 Castle -- yes?

10 UNIDENTIFIED SPEAKER: We can't hear you.

11 MAYOR JAGGERS: Oh, because I'm mumbling or I'm
12 holding it too close? Okay. All right, so -- thank
13 you. Is this better if I come out here where if I -- if
14 I don't, like, eat the mic? Is it a little better?
15 Okay. How about if I hold it here? Is that better?

16 UNIDENTIFIED SPEAKER: (Inaudible.)

17 MAYOR JAGGERS: Okay. I'll try a little better.
18 Sorry.

19 Okay. So -- yes, some of ya'll are saying,
20 well, why is there an amount in the plant if we're not
21 having a plant? We all know we started the project with
22 Black Castle.

23 And when -- as soon as I took office, the third
24 invoice came in, and with my logistics background, I
25 said, "Okay, well, I have to sign this check; I want to

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1 verify the contract; I wanna make sure it's legitimate."
2 And when I verified the contract, I said, "Well, where
3 is the substantiation? It's not here. I can't sign
4 this till I have substantiation."

5 One of the goals that you've all elected me to
6 is make sure that I am prudent of the city's funds. So
7 I said, "I'm not signing it." And then other questions
8 came up. And Black Castle refused to provide the
9 paperwork to justify, per their contract, for their
10 reimbursements. And they were front-loading their
11 billings. We have what we call scheduled values. They
12 were asking for 100 percent of the payment upfront on
13 things, like, you know, this doesn't really work.

14 All right, the 200,000. Yes, we do not have the
15 fear of litigation, of being sued by them; they have
16 signed a release. They have agreed to settle with the
17 original 200,000, which I was very reluctant to give.
18 And the way the -- when I say "I," I with the support of
19 council. You know that I can't do anything without the
20 council's approval. Okay?

21 So the council has agreed that, let's settle it,
22 let's wrap this up. We may be able to fight over
23 pennies but we're gonna spend dollars and quarters to do
24 it. So let's just get it done. They were not the best
25 choice. Some of you might think they were, but -- they

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1 were the lowest, the next lowest, but they were not the
2 best choice.

3 So that is accounting for the Black Castle
4 settlement. So with that in mind, without a plant, the
5 cost of this project is 5.5, roughly. It'll be a little
6 bit less than that. That's a 2 million dollar savings. 05:59
7 But the most important thing here is that, look, we can
8 have in our reserve funds -- we don't have to drain them
9 down to the -- a very scary amount. We can have an
10 additional 200,000 in our reserves for contingencies. 05:59

11 UNIDENTIFIED SPEAKER: (Inaudible.)

12 MAYOR JAGGERS: We're gonna hold questions till
13 the end, ma'am.

14 UNIDENTIFIED SPEAKER: (Inaudible.)

15 MAYOR JAGGERS: Oh, read the line? I'm sorry. 05:59

16 Okay. Which line is it?

17 UNIDENTIFIED SPEAKER: The funding sources.

18 MAYOR JAGGERS: Okay. The funding sources on --

19 UNIDENTIFIED SPEAKER: The bottom line.

20 MAYOR JAGGERS: Bottom line. Okay. Sorry. 05:59

21 UNIDENTIFIED SPEAKER: No, not the bottom line.

22 Third from the bottom.

23 MAYOR JAGGERS: Okay, this one.

24 UNIDENTIFIED SPEAKER: Third from the bottom.

25 MAYOR JAGGERS: Okay, this one. Okay. The 05:59

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1 funding sources. Under the original plan, we have the
2 Texas Water Development Board bonds. We had an EDA
3 grant of a million dollars. We had Mr. Way's
4 contribution to go up to a million dollars, if
5 necessary. It wasn't an automatic million dollars,
6 here, use it as you will. It was a very generous
7 amount, but it was capped at a million. That together
8 comes to 7.5. Sorry. 7.5. That's the funding for the
9 old project.

10 The new project doesn't have the EDA. It
11 doesn't have the Way grant. It has some city funds,
12 yes, we have to come out of our own pocket for this.
13 And it's a little under 5.5. That's the funding.

14 UNIDENTIFIED SPEAKER: (Inaudible.)

15 MAYOR JAGGERS: Pardon me? That is a difference
16 of \$2 million.

17 Let's look at the funding versus the cost. We
18 have less funding in this new project but we have less
19 requirements too. And we don't have a plant to fund, so
20 that's less cost.

21 I have some notes here I want to (inaudible.)

22 Okay. So there is a question about the -- the
23 funding for the green project, the Texas Water
24 Development Board, \$243,000 that was basically granted
25 back to us through the Water Board because we were doing

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1 a green project. We are still doing a green project.

2 The part that wanted us to do the green project
3 was to purple line back to the city. That was
4 eliminated from this project before this was signed, and
5 it still remains this award for 243,000.

6 We are arguing within this point over why is it
7 any different? We're still recycling this water, we're
8 making it pure. We are not measuring right now --
9 putting it in our park, but we are putting in all 3,000.
10 So that's still up for debate.

11 EDA grant originally for both collection system
12 and plant construction, including irrigation, we paid.
13 What happened to that EDA grant? My first question was
14 economic development agency. And so how is our
15 economics needing a million dollars? I mean, I'd love a
16 million dollars. But I went through the application,
17 I'm looking at the justification of how we got this,
18 this grant, a million dollars. I went through it, and
19 I'm going, "We didn't qualify for this."

20 If you go through it and do it yourself, you'll
21 be able to backtrack the rates and so for us to be an
22 economically poor -- sorry. You know, we -- someone was
23 just pointing out I'm talking too much, so let me just
24 keep going with the slides. All right. We can debate
25 that one later. All right. Let's keep going.

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1 Economic impact on the rate payers. Okay. This
2 one should be a big important one because that was part
3 of the objectives to have this sewer system but have it
4 economically fair or -- okay.

5 So under the original plan, the sewer customers
6 would be obligated to incur the following costs related
7 to connecting to the city system. The cost to run
8 lateral sewer lines from the sewer drain location on
9 their property to the connection point with the city
10 system.

11 We don't know what that is per each individual.
12 It depends on how your -- where your hookup is on your
13 building or under your building or wherever.

14 The cost to decommission their existing septic
15 tank. These were all spelled out in an ordinance that
16 was done a few years back just to get this project
17 going. The ordinance is very clear.

18 The cost if you need a grinder pump. A grinder
19 pump -- it's because it's a gravity system. If you're
20 below gravity, you have to grind and push it up to go
21 into the drain. You know, those pumps are expensive.
22 Some properties will have to have that.

23 You're gonna have to pay a one-time capital
24 recovery fee. Same kind of impact fee that we have to
25 pay to join Aqua Texas system, ya'll are gonna have to

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1 join for the city system.

2 Right now they have estimated that it's 2500 per
3 what they call an LUE, Living Unit Equivalent, which is
4 basically if you're using about 9000 gallons a month,
5 that's about one living unit. So when I say "about,"
6 because it can -- it's a moving target.

7 The modified plan doesn't change any of those
8 obligations. You're still gonna have that with the
9 modified plan -- you're still gonna have those costs.
10 However, sewer customers will be obligated to pay a
11 monthly bill that consists of the following components
12 under the modified plan: The capital recovery fee
13 payment described above, yes. You're also gonna have a
14 base rate, and that's gonna be based on your LUEs.
15 You're gonna have a volume rate that's gonna be based on
16 exactly how many gallons that you are receiving to your
17 home from the water company.

18 So Wimberley Water has a meter. They're gonna
19 give us the readings and show, oh, this customer is
20 using 9000 gallons, so that's what we're gonna use for
21 your -- charge for your rate.

22 Under the modified plan, the base and the volume
23 rates are expected to be much lower than the original
24 plan due to lower revenue requirements.

25 I'm continuing on. Okay. The city must

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1 establish adequate rates to pay for -- we have to pay
2 for our annual operating costs of the system, which
3 includes the collection system and the treatment of the
4 wastewater. Whether we're having someone else treat it
5 or whether we treat it, those are the operating costs.
6 We have to pay the annual debt service on those bonds.
7 The bonds are a loan, it's a very low interest, but we
8 still have to pay it all back. Okay?

9 Now, in addition to sewer customers, another
10 source of revenue is for the Parks Department to pay for
11 access to and use of the reclaimed water. Okay, there
12 is an inner-agency agreement that previous councils had
13 put together to make sure that the Water Board
14 understood that we had sufficient revenue to repay these
15 revenue bonds. So we got to sell that water back to
16 ourselves and call it revenue.

17 Under the city agreement required by the Water
18 Board, this could be as much as half of the total
19 expenses, or 200,000 a year, which is substantially
20 greater than the fair market value of volumes of
21 available reclaimed water.

22 If we had to go out and buy that water, the same
23 amount, it would be a lot less than 200,000 a year. The
24 city council is the -- are the ones that will determine,
25 with the Wastewater Adhoc Committee, the sewer customer

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1 rates based on the criteria and will factor in the city
2 subsidy and expected number of sewer customers and their
3 volumes.

4 Again, it's not all gonna happen overnight.
5 You're gonna have time for these people to hook in. And
6 we're gonna grow from it too, but it's gonna be a while.

7 Individual rates will be determined based on
8 assumptions regarding fixed base rates, capital recovery
9 fees, and volumetric rates, all at the discretion of the
10 city council in order to achieve the required revenue to
11 cover the cost.

12 Slide No. 14. And, again, there's only 23
13 slides. Well, the last one just is a --

14 UNIDENTIFIED SPEAKER: (Inaudible.)

15 MAYOR JAGGERS: All right. I promise we will
16 give at least 90 minutes for the questions at the end.

17 Okay. Economic impact on rate payers, costs and
18 revenues. The modified plan will result in lower annual
19 operating costs. A city-owned plant versus an Aqua
20 processing fees is estimated to be at almost a
21 hundred -- a little over \$161,000 a year, the difference
22 between the two.

23 The following illustrates sewer customers
24 revenue requirements assuming a full city subsidy of
25 \$200,000 a year.

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1 Okay. Operating costs. With the original plan
2 233,749. Yes, that is higher than what was done a
3 couple years ago, but there's more information that we
4 have now. We have a better number. We were speculating
5 then. This is a moving target. But it's getting more
6 information, you get more clear numbers. We know this
7 is a fixed number; that's what could be in the contract.
8 No doubt about that. Except part of that is also
9 servicing the connection lines. We have to maintain
10 those.

11 But the variance that's right off the top is
12 about \$161,000. And whether -- we still have to pay
13 back the whole bond money, so that doesn't change. But
14 the difference is we have 161-, which if you look at it,
15 that's almost two and a half times. That's a lot.

16 The economic impact for sewer customers reduced
17 from 274- to 112-, assuming sewer customers benefit for
18 the entire difference. In other words, we lock in what
19 the city is gonna pay, 200,000 a year, and we pass all
20 the savings onto the customers who are actually hooked
21 into this.

22 If that's the case, then the total cost
23 difference over the 30 years is about \$4 million. This
24 plant may not last 30 years. If we had to.

25 Economic impact on rate payers and their rates.

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1 It's literally -- the important part of the slide, it's
2 down here. This is for a typical residence that's using
3 4000 gallons a month. So if you know your water bill
4 downtown, okay, I got 4000 dollars -- 4000 gallons
5 coming into my house, this is what your sewer is gonna
6 cost you right now. That could be changing. This is
7 not hard and fast. This is based on the best
8 information that we have now.

9 So FMV is the fair market value with no subsidy.
10 This is with the city paying a hundred or the city
11 paying up to the max of what we said we would, which is
12 200,000. You're gonna pay \$63 versus \$126 if we had a
13 plant. Best case scenario.

14 This is -- so another slide. I won't go into
15 details on this, but you can print this off online.

16 Basically it also shows other types of volume.
17 In other words, Deer Creek, they estimated 300,000
18 gallons a month. That's a lot. They already have a
19 plant, so they don't have to pay impact fees to join a
20 new plant. That's against the rules per the local
21 government code. But they still have to pay the base
22 fee and the usage fees.

23 Deer Creek currently, I believe, pays about
24 10,000 a month for their sewer. If they were with the
25 original plan, it would go up. With Aqua they're gonna

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1 get a reduction of 6700. That's Deer Creek. That's one
2 of the largest customers.

3 Okay. Environmental Information Document, EID.
4 This EID was originally done in 2014. It went to the
5 Water Board before this project got approved for
6 funding, and it was evaluated by all the environmental
7 agencies of interest. And it came back with an FNSI,
8 which is a Finding of No Significant Impact, with having
9 a sewer plant on our property.

10 We've done an updated EID--we're in the
11 process--and it should still have a finding of no
12 significant impact because we won't be discharging.
13 That was the part that was of concern.

14 And this EID is -- the historical EID is on our
15 Website.

16 You want to talk there, Mr. Coonan? Did you
17 want to chime in on that?

18 STEVE COONAN: Sure. So we're not actually
19 redoing the EID. The Water Development Board asked us
20 to coordinate with several agencies, the Corps of
21 Engineers, and so that's what we're doing. Not actually
22 redoing the EID.

23 MAYOR JAGGERS: We can answer more of those
24 questions at the follow-up.

25 The potential environmental impacts. The

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1 environmental issues included -- or includes: The
2 modified plan will result in no city wastewater
3 treatment plant at Blue Hole. It will not result in it.
4 No discharge or effluent into Deer Creek, cause there's
5 no plant to discharge. The original plan provided for
6 both irrigation at the park and discharge when
7 irrigation could not occurred. Which I believe that
8 would be this week you wouldn't be able to do a
9 discharge.

10 Under the current permit issued by the TCEQ for
11 the proposed plant, the city could discharge up to
12 75,000 gallons of effluent per day under the current
13 permit. The modified plan eliminates the risk of sewage
14 spills at the proposed plant site. Modified plan will
15 result in Aqua upgrading its entire plant to produce
16 Type 1 effluent, with all such effluent beneficially
17 reused for irrigation. No discharge into waterways is
18 allowed under this permit. The modified plan will
19 require a connecting line installed under Cypress Creek
20 using a directional drill to avoid adversely impacting
21 the creek. Now, directional drill; what is that?

22 Well, Steve, you're gonna have to take on this
23 one. Boring under the Cypress Creek.

24 STEVE COONAN: So the proposal is to use
25 high-density polyethylene pipe which is fused together

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1 so that there are no joints. And there would be a
2 drilling rig on one side of the Cypress Creek, and it
3 would -- basically one continuous drill under the
4 Cypress Creek about 10 feet below the flow line. And
5 they would pull that back and remount that hole and then
6 they would pull that pipe through. So you would have
7 one continuous piece of pipe going through there with no
8 joints.

9 UNIDENTIFIED SPEAKER: (Inaudible.)

10 MAYOR JAGGERS: Okay. (Inaudible.)

11 UNIDENTIFIED SPEAKER: Slow down.

12 MAYOR JAGGERS: Sorry. Okay. I have a
13 request--and this is more important than going fast--by
14 our stenographer, who is recording this verbatim,
15 because everything tonight is gonna be verbatim. When
16 you stand up to speak, choose your words.

17 The following illustrates the drilling process.
18 And that was this down here, this picture.

19 And I know it's hard to see back there, but go
20 online and print it off, you'll be able to see it.

21 Alternatives is one of the things we need to
22 discuss. There were 11 options were considered in the
23 initial feasibility study. Two options included using
24 Aqua to process the wastewater.

25 The modified plan is a version of these options

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1 that also includes eliminating the current Deer Creek
2 Plant. The modified plan became economically preferable
3 due to the original plan bid costs were significantly
4 higher than expected.

5 Expected was from what the engineers--sorry,
6 Steve--came in at. They came in, well, it should cost
7 this. When the bids came in, it was much higher. Our
8 funding was based on the engineers.

9 The original plan estimated -- the original plan
10 operating costs. And the modified plan had more
11 realistic of what those costs are, and they're a lot
12 higher. The annual Aqua fees under the modified plan
13 reduced significantly. The modified plan in compliance
14 with the original stakeholders' committee, and that's
15 the important part.

16 You'll have committees. The committees are very
17 important. It's just not just the councils doing the
18 work. The committees bring in the facts and the figures
19 to the council. The stakeholders' committee recommended
20 if this got out of proportion on the cost, go to other
21 options, and this is one of the other options: The
22 stakeholders.

23 All right. Benefits of modified plan, the
24 environmental. Again, there will be no discharge. No
25 risk of excess effluent runoff. No aquifer

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1 contamination from the discharge. No unsightly sewer
2 plant and no odorous plant in the park. And if that
3 plant had any kind of incident, breakage, that sewage,
4 treated or not, is gonna go into the park. And we were
5 gonna have to deal with it just like other waste
6 treatment plants deal with their leakages.

7 No -- no sewer plant odor. Aqua's plant will be
8 upgraded to Type 1, benefiting the entire Wimberley
9 Valley. And reduces the risk of even higher levels of
10 potential discharge in the future due to city growth.

11 I've got two slides left.

12 Benefits of the modified plan, the financial
13 benefits. Okay. I went with the Raftelis study. Ya'll
14 have mentioned -- some folks have started talking about
15 that, well, how do we know that those usage rates are
16 what they are? We had a study that did it.

17 UNIDENTIFIED SPEAKER: (Inaudible.)

18 MAYOR JAGGERS: Well, yes. And I contacted the
19 persons that did that study. Now, having served as an
20 actual analyst for years, looking at the study was not
21 rocket science. We had better information. We had
22 lower usage expected because Deer Creek had a leak and
23 they were not putting -- requiring as much water as they
24 did under this study. We also had another -- Rio Bonito
25 opted out, and they were gonna be a big user, which

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1 means less users that are high-volume users means that
2 the rest of the users have to pay the difference with
3 higher rates.

4 So I contacted Raftelis. I spoke with Rodney
5 Cralley, who was the original designer of this study,
6 and he brought in Angie Flores, who was also part of the
7 team. And I gave him some of the figures from the
8 actual usage rates from Water Wimberley, the water
9 company, and said, "Look, what do you think? We have
10 less usage," and they said, yeah, it's gonna be more.
11 And they ran the study four different ways.

12 And by the way, their contract originally agreed
13 to do another update and study when we got closer to
14 turning the key. There was no charge for this.

15 Anyway, they ran those cases in four different
16 ways. And I'll be glad to share that with you. I think
17 I also put the Raftelis study online, but I'm not sure.
18 If you can't understand those, call me.

19 Lower annual operating cost based on the study
20 that our original -- that we relied on with our original
21 contractors, with Raftelis. They went back and they
22 updated it. I initiated it, but they took it over and
23 they said, yes, you're right, this is what it's gonna
24 be, with four different scenarios.

25 We had the opportunity to significantly reduce

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1 customer rates by this -- by putting the subsidy in.
2 And, again, we will have to do the subsidy until we get
3 enough usage going through this plant. Or through the
4 project, whether there's a plant or not, we have to
5 subsidize it.

6 Eliminates the potential for costly sewer plant
7 incidents or spills. And they can be very costly. Not
8 to mention the TCEQ findings that you get from them.

9 It eliminates costs and risks of maintaining a
10 plant in working order and in environment compliance for
11 decades.

12 TCEQ requires expansion plans when the plant
13 reaches 75 percent of capacity, which is only 56,000 --
14 a little over 56,000 gallons. We would be really close
15 to that once those winter people got hooked in. We
16 would immediately have to start plans for upgrading this
17 plant, more cost.

18 And if you don't think we would be able to grow,
19 just look at what's going on in Blanco. They're now at
20 1.6. They started at about -- well, I won't speculate.
21 Just take a look at what's happening there.

22 Last slide. Last slide. The original goal:
23 Clean up the Cypress Creek; both plans do it. Maintain
24 local control; both plans do it. Provide an
25 infrastructure to allow for controlled growth as

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1 permitted by the city.

2 Now, our growth is not based on whether they
3 have sewer. It's based on our planning and zoning.
4 They have nothing -- Aqua has nothing do with our
5 planning and zoning.

6 Provide water to irrigate Blue Hole Park.
7 Original, yes. Under the modified, we have to find the
8 return line -- we have to get money for the return line.
9 Protect our environment, yes. Under the original plan,
10 no. Under the modified, yes. There's no guarantee
11 under the original plan. There is on the modified plan.
12 The rates are more affordable under the modified and may
13 accomplish a financial responsibility.

14 Okay. We're gonna open it up for questions now.
15 I have put some --

16 Have the sheets all come forward, Gary?

17 COUNCILMAN BARCHFELD: Is this on?

18 MAYOR JAGGERS: I think so.

19 COUNCILMAN BARCHFELD: I have the sheets, ma'am.

20 MAYOR JAGGERS: Okay. So we have quite a few
21 people--I think there's probably 80 or 90, maybe
22 more--that had signed up, and again, we're gonna, out of
23 fairness, go through those as fast as we can. But
24 you're gonna get at least three minutes to talk. If you
25 can wrap up in less, that gives the next person time.

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1 If you haven't had a chance at all to say
2 anything, please submit your testimony in writing, and
3 that will be included in the report.

4 Who's the first person, Gary?

5 COUNCILMAN BARCHFELD: How long will this
6 process be? 06:21

7 MAYOR JAGGERS: So I did go a little over,
8 however, the public hearing was advertised to go from
9 5:30 to 7:30. We will at 7:30 stop the transcript with
10 the reporter, take a break, and then continue on with 06:21
11 the public hearing for at least -- you can continue to
12 make the statements and get answers to your questions.
13 Okay?

14 COUNCILMAN BARCHFELD: In fairness, I'm going
15 to -- 06:22

16 UNIDENTIFIED SPEAKER: (Inaudible.)

17 MAYOR JAGGERS: Oh, five-minute break right now?
18 Okay. So we'll just take a five-minute break, then.

19 UNIDENTIFIED SPEAKERS: (Inaudible.)

20 MAYOR JAGGERS: Okay. Wait a minute. All in 06:22
21 favor of a break, raise your hand.

22 Okay. Never mind, then; there's only two people
23 that raised their hand.

24 UNIDENTIFIED SPEAKER: (Inaudible.)

25 MAYOR JAGGERS: I appreciate your concern there, 06:22

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1 but I did run this past Ms. Zuba with the Water Board,
2 and she blessed off with this criteria. If you have
3 questions with that, the Water Board will accept our
4 findings with what we are gonna do within the two hours.
5 And please don't speak out of turn.

6 UNIDENTIFIED SPEAKER: (Inaudible.)

7 MAYOR JAGGERS: Okay. Very good. Please be
8 seated.

9 Okay. Gary, who is our first person?

10 UNIDENTIFIED SPEAKER: Let people talk.

11 UNIDENTIFIED SPEAKER: We can't understand what
12 you're saying.

13 MAYOR JAGGERS: Okay. Folks, please.

14 Gary, would you like to call the first person?

15 COUNCILMAN BARCHFELD: So here's what we're
16 gonna do. We've got a number of --

17 UNIDENTIFIED SPEAKER: We can't hear you.

18 COUNCILMAN BARCHFELD: We have a number of
19 people stating that --

20 UNIDENTIFIED SPEAKER: Stand up and talk.

21 MAYOR JAGGERS: That is rude. Please do not
22 yell from the audience.

23 UNIDENTIFIED SPEAKER: Stand up and talk.

24 MAYOR JAGGERS: Okay, please do not yell from
25 the audience. If there is that kind of behavior in the

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1 audience, one of the councils will invite you to step
2 outside and discuss the behavior.

3 COUNCILMAN BARCHFELD: So we've got a number of
4 people that are going to speak. Everyone's comments are
5 important. I don't think we will have enough time for
6 everyone to speak. Please submit -- if you do not have
7 a chance to speak, or even if you do, please submit in
8 writing your comments so that we can send this whole
9 document onto the appropriate agencies.

10 What I'm going to do is I'm gonna call three
11 people. I'd like the first person to speak and have the
12 other two que'd up over there. If you're okay with
13 that, the first person to speak is Andrew Sansom.

14 Andrew, are you in here?

15 Second person, John Urban. Louis Parks, you're
16 up third.

17 MAYOR JAGGERS: And, Shawn, do you have
18 the timer ready to go?

19 SHAWN COX: I would like everyone to declare
20 whether they're a resident or --

21 MAYOR JAGGERS: All right.

22 SHAWN COX: -- a previous owner.

23 MAYOR JAGGERS: So please declare for the
24 stenographer -- or for the record, your name, whether
25 you are a potential sewer customer, in other words, if

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1 you have a business that would be hooking up to it or
2 whether you are a citizen within the City of Wimberley.

3 ANDREW SANSOM: Thank you, Your Honor, Members
4 of City Council for allowing me to speak to you tonight.

5 UNIDENTIFIED SPEAKERS: (Inaudible.)

6 MAYOR JAGGERS: Get closer.

7 ANDREW SANSOM: Thank you, Your Honor, and
8 Members of City Council for allowing me to speak to you
9 tonight.

10 I am Andrew Sansom. I work at the Meadows
11 Center for Water and the Environment at Texas State
12 University. I am speaking for myself tonight.

13 For 17 years the Meadows Center has had the
14 privilege of working in the Wimberley Valley on issues
15 relating to water and the environment. We helped
16 facilitate the state grants to create the Blue Hole
17 Park. I serve on the board of the Friends of Blue Hole.
18 We've done extensive research of Jacob's Well and along
19 the Blanco River. We are currently underway with a
20 major study of ground water, surface water interaction
21 on the Blanco. But most importantly, we help citizens
22 and elected officials throughout the valley create a
23 watershed management plan for Cypress Creek. This plan
24 was the very first watershed management plan funded by
25 the Environmental Protection Agency in the United States

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1 that considered groundwater as a part of its
2 deliberations.

3 The wastewater treatment plan was originally
4 approved by the city was scrutinized and vetted very
5 thoroughly in the context of that watershed management
6 plan. And I urge you that if you end up deciding to
7 accept the modified plan that it be subjected to the
8 same level of environmental scrutiny as the original
9 plan.

10 Thank you very much for allowing me to speak.

11 MAYOR JAGGERS: We're not sure if there's a
12 question there, so thank you for your statement. Go
13 ahead.

14 JOHN URBAN: I really don't have any questions.
15 I was just gonna make a statement, and then I got to go
16 to my wife's birthday party. So I'm gonna try to be
17 here as quickly as I can and get out of here.

18 Thank you for the opportunity --

19 UNIDENTIFIED SPEAKER: (Inaudible.)

20 JOHN URBAN: Can you hear me? I don't know if I
21 can speak any louder because my voice is about gone, but
22 thank you for this opportunity to speak. My name is
23 John Urban. I live at 115 River Bend. I'm not a
24 customer of this system that you're putting in.

25 UNIDENTIFIED SPEAKER: Louder, please.

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1 JOHN URBAN: A few months ago -- a few months
2 ago, a neighbor asked me if I would -- would I ever
3 leave Wimberley. I said if I did, it would be for the
4 same reason that I came here. When I got that
5 dear-in-the-headlight look from him, I didn't explain to
6 him why I made that statement because of what happened
7 where I came from.

8 Where I came from, our taxes were out of
9 control. What my neighbors and I were paying was
10 completely out of the balance of the benefits we were
11 receiving. Local government had lost -- had lost --
12 thank you. Local government had lost touch with us.
13 Their decisions had been based on consensus and
14 circ- -- and compromise, but that had gone to -- stopped
15 to an end. And then they forgot the obligation to
16 protect the environment. Finally, the town I once loved
17 became overcrowded. Sound familiar? Lacking
18 infrastructure and supported growth.

19 So having seen a city lose its way before, I'm
20 naturally skeptical of what you guys are doing.
21 With that in mind, I'd like to share my impression of
22 the scope changes you're proposing.

23 As I see it--and I'm not sure I've got all the
24 details--your approach is the most economical solution
25 to our wastewater problem downtown economically.

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1 It ensures that the environment will be protected. It
2 seems to place most of the burden of the construction
3 and the ongoing costs to those that are gonna benefit
4 the most of it. So it seems to be pretty fair. At
5 least from a long-term standpoint. Maybe not initially
6 with the subsidy. But long-term growth, I can see that
7 being real possible.

8 And as near as I can tell, it won't increase my
9 taxes or the taxes in general. So assuming all that's
10 correct, I really have no reason to oppose what you're
11 proposing.

12 However, I do want to issue a word of caution
13 because I've been told that the final decision rests
14 with the Texas Water Development Board. I'm sure there
15 are wonderful people that work there, but I've seen
16 government agents like that take advantage of the fact
17 that there's little public -- because there's little
18 public oversight, by making decisions that are not in
19 the public best interest, and either side of the aisle,
20 either side of the issue it may be on.

21 Agencies like that seem to take -- seem to care
22 more about what the lobbyists say than that that an
23 everyday citizen would have to say. So be cautious
24 because the lobbyists and I'd have to say even the
25 elites are accustomed to getting their way.

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1 And in my opinion, really, that just may be --
2 that just may actually be what may happen here at the
3 end of this thing.

4 So thank you and everyone who has served or will
5 serve on this council for your civic service, and God
6 bless Wimberley and God bless Texas. 06:30

7 MAYOR JAGGERS: Thank you, Mr. Urban.

8 JOHN URBAN: Thank you.

9 MAYOR JAGGERS: Do you have something that you
10 want to contribute to the verbal testimony? 06:30

11 COUNCILMAN BARCHFELD: Parks, Louis starting.
12 Linda Webb will be the next speaker.

13 UNIDENTIFIED SPEAKER: We can't hear you.

14 MAYOR JAGGERS: Ms. Webb will be the next
15 speaker.

16 COUNCILMAN BARCHFELD: Linda Webb will be the
17 next speaker.

18 MAYOR JAGGERS: Linda Webb.

19 COUNCILMAN BARCHFELD: Scott Mitchell, Phil Van
20 Ostrand, and Susan Zimmerman. 06:31

21 UNIDENTIFIED SPEAKER: Why are you taking --

22 MAYOR JAGGERS: Okay, go ahead.

23 LOUIS PARKS: Good evening. Members of the
24 Texas Water Development Board, please hear us today.
25 This may seem a foolish, wasteful local squabble, but it 06:31

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1 is vitally important to our future water resources and
2 city prosperity.

3 I'm Louis Parks, chair of Citizens Alliance for
4 Responsible Development, or CARD.

5 CARD is an all-volunteer organization, funded by
6 \$70 annual dues, which formed in this building in 2008
7 in opposition to a large development that threatened the
8 recharge zone of the Trinity Aquifer. No one in CARD
9 has in any way -- any way of profiting from either side
10 of this unfortunate sewer fight, except in the same way
11 most of the residents do, in the future property values
12 and beauty of our area.

13 CARD's primary focus is on the quality and
14 quantity of water, the crucial and natural resources
15 which Wimberley Valley already has far too little.

16 CARD has campaigned for water conservation such
17 as rain tanks, water recycling, and against water waste.
18 We have hosted numerous public education and awareness
19 meetings--several in this building--on the water
20 concerns.

21 CARD originally supported the long-overdue sewer
22 system for downtown Wimberley because it was needed to
23 clean up Cypress Creek and because it would clean and
24 fully reuse downtown wastewater in Blue Hole Park,
25 saving water in the aquifer. It was a win-win situation

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1 for the creek, the park, the aquifer, and the city, all
2 with no taxes for residents.

3 Thanks to the TWDB's loan and the help of \$2
4 million in grant for the plan's environmental qualities,
5 the plan would be paid for over 30 years by the users of
6 the system by downtown business owners.

7 After long discussions, CARD came out in support
8 of the Wimberley-operated plan in 2012, again in 2013,
9 and continued to do so after the 2015 settlement
10 agreement signed on by groups that originally opposed
11 the joint -- the plant for concerns about possible
12 discharge.

13 Our support of the city-managed plant increased
14 when the Aqua Texas threat reared its head. As early as
15 2008, CARD commented on AT's high rate of losing water;
16 still a concern. The more we researched AT's history,
17 here and across the state and country, the more our
18 concern grew.

19 The idea of sending downtown water, which could
20 be cleaned to enhanced Type 1 and reused for public
21 good, over to Aqua Texas where it does the city no good,
22 is absurd.

23 Forcing Wimberley to further drain the aquifer,
24 if it ever wants to bring Blue Hole to its planned
25 state, just to help Aqua Texas stockholders, is robbing

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1 the future needs of this town and valley. There's not
2 that much water under there.

3 Cleaning Cypress Creek is very important to this
4 city, its economy, and its health. But why do it
5 halfway, sending the water to a Type 2 Aqua Texas plant
6 that for years has promised to upgrade to Type 1 or will
7 charge us a lot of money to do it, and then have it
8 basically discarded on a golf course? There's no such
9 thing as wastewater, but there certainly is wasted
10 water.

11 This unpopular and environmentally unsound
12 change has already lost Wimberley more than \$3 million.
13 Stop throwing away good money; say no to the Aqua Texas
14 plan.

15 Despite our follies, Oh Texas Water Development
16 Board, please show this town some love and tell this
17 council to get us back on the right path with the right
18 plant. Thank you.

19 MAYOR JAGGERS: So I think -- was there a
20 question that you'd like answered?

21 Okay. Who's next?

22 UNIDENTIFIED SPEAKER: (Inaudible.)

23 MAYOR JAGGERS: Oh, yes. Mr. Parks, where do
24 you live, please?

25 LOUIS PARKS: I live on 820 Red Hawk Road in

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1 Wimberley Valley (inaudible.)

2 UNIDENTIFIED SPEAKER: We can't hear.

3 MAYOR JAGGERS: Okay. So you live at 820 --

4 Our stenographer is trying to get this
5 information down, so don't -- she has to be able to hear
6 this. She's not even from Wimberley, and she's trying
7 as hard as she can.

8 Did you get the address and where he's --

9 COURT REPORTER: I got 820 --

10 MAYOR JAGGERS: 820 what?

11 UNIDENTIFIED SPEAKER: (Inaudible.)

12 MAYOR JAGGERS: Okay. We can probably verify
13 that with the sign-up sheet. Who is next?

14 Oh good, there we go. Thank you. Red Hawk
15 Road.

16 LINDA WEBB: My name is Linda Webb. I'm a
17 resident here inside the City of Wimberley. I will not
18 be serviced by the wastewater system; however, I have a
19 direct question that I'm gonna have to divert from
20 for -- right at this moment because there's so much math
21 in here that with some courtesy and some respect to the
22 citizens that you were speaking to tonight, if this
23 information could have been made public prior to walking
24 in and picking it up off of a table, it would have been
25 so much easier to read through it, make a better

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1 understanding out of it, better prepared questions, and
2 even be able to see the slides versus what we're looking
3 at now.

4 MAYOR JAGGERS: Actually, this was put out to
5 public. It was on our website. It just wasn't with
6 this PowerPoint. There was another PowerPoint.

7 LINDA WEBB: I don't know that that was ever
8 really made public. But nonetheless, I'll get back to
9 sort of a modified version of my question. And I think
10 that's on Slide No. 11.

11 MAYOR JAGGERS: Okay.

12 LINDA WEBB: And it does pertain to the Way
13 Grant, which I understand you corrected it to say that
14 that was up to \$1 million. And you have 471,851. And
15 I'm just -- I guess my question veered in a different
16 direction -- my original question veered in a different
17 direction.

18 MAYOR JAGGERS: You want to know why --

19 LINDA WEBB: Exactly how that number came to be.

20 MAYOR JAGGERS: Okay. So under the income
21 thing, the agreement with Mr. Way, he would fund the
22 contingencies that went over the plant or the
23 collection. Not all the other things. So unless they
24 came in over at the -- what we have under the original
25 plan, he would only be obligated for 471-. He's not

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1 obligated for anything under the modified plan.

2 Okay. Phil?

3 PHIL VAN OSTRAND: Mayor, Council, I'm Phil Van
4 Ostrand. I'm both a tax -- both a property owner in the
5 City of Wimberley and a potential user because I have a
6 property on the square. 06:37

7 I would like to take this minute to say thank
8 you very much for all the hard work that's gone into
9 both the previous plan, development of it, and the
10 plan -- the revised plan that's currently under it. 06:38

11 I have come to see and endorse the revised plan
12 because it accomplishes several things. First of all,
13 as John Urban mentioned, it addresses the environmental
14 issues of getting a malodorous wastewater processing
15 plant and a large water tank out at Blue Hole Park. 06:38

16 But more importantly to me as a stakeholder is
17 it addresses the bad economics of the previous plan. It
18 allows us, from an environmental standpoint, to
19 eliminate pump and haul in the square. Most directors
20 in the square pump and haul, but that's a dangerous
21 process. It's actually illegal; yet, we just continue
22 to go on with it. 06:38

23 The other thing that I wanna talk about for just
24 a second is that this change offers us some flexibility
25 for the future. As all of us know--and I'm sure 06:38

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1 Mr. Barchfeld would agree--EPA, DCEQ and other agencies
2 are gonna continue to tighten up standards on
3 wastewater. By partnering, aligning ourselves with a
4 large, well capitalized regional processor, it gives us
5 in the city the flexibility to be standard to the thing
6 you roll out, and it minimizes the potential adverse
7 rate effect on each of us. And I think all of us as tax
8 payers and all of us as property owners in the square or
9 elsewhere in the city this has become an issue, need to
10 be aware that that is a big association that has not
11 gotten a lot of conversation up to now, and I hope it's
12 one that the Water Board continues to be aware of
13 because they will change, DCEQ will change, EPA will
14 change, and now we can be in the forefront of those
15 changes without additional burden on the city.

16 So once again, Mayor, Council, thank you very
17 much.

18 MAYOR JAGGERS: Who's next, Gary?

19 COUNCILMAN BARCHFELD: Scott Mitchell.

20 MAYOR JAGGERS: Oh. We have a council member
21 that would like to comment.

22 UNIDENTIFIED SPEAKER: I just wanted to register
23 my complaint that we're going out of order. People came
24 here early to sign up to make sure that --

25 UNIDENTIFIED SPEAKER: -- they could be heard.

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1 We're going back and forth. I'd just like the officers
2 to change to (Inaudible.)

3 UNIDENTIFIED SPEAKER: (Inaudible.)

4 COUNCILMAN BARCHFELD: I have over a hundred
5 names here. I'm going 1, 5, 10, 15. Everyone came here
6 to be able to speak.

7 I would prefer to continue at that rate, Mayor.

8 UNIDENTIFIED SPEAKERS: (Inaudible.)

9 MAYOR JAGGERS: Okay. We don't need to be going
10 to that level of booing and stuff. Listen, it sounds
11 reasonable to me. And as an officer of this city, I'll
12 allow it. Okay, and if you don't like it, noted. Go
13 ahead and submit your objection in writing, and we'll
14 include that to the board.

15 Sir, would you like to go next?

16 SCOTT MITCHELL: I'll go --

17 MAYOR JAGGERS: Please don't talk over the --
18 give the man the courtesy of being able to have
19 uninterrupted three minutes.

20 SCOTT MITCHELL: I'm Scott Mitchell. My wife
21 and I own the ranch -- Montesino Ranch at 300 Little
22 Arkansas Road, towards the end of Five Acres Road on the
23 Blanco River.

24 Thank you, Mayor, and Texas Water Development
25 Board for allowing me to speak my opinion.

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1 You know, all along there are quite a few of us
2 that did have grave concerns about the original permit
3 granted by the TCU, and, frankly, our concern was that
4 there wasn't really critical analysis. There wasn't
5 really strong scrutiny in the first place with the City
6 of Wimberley accepting the original permit. And as many
7 of us that didn't really have problems with it, the city
8 on their own accord upgraded quite a bit of that
9 particular -- the particulars of that permit and
10 upgraded the projected quality of the effluent, which is
11 much appreciated. So a lot of us that protested felt
12 like we won quite a few battles but we lost the war
13 because the issue really is discharge versus land
14 application, and most any water quality scientist that
15 understands chemistry of water affected by potential
16 treated effluent will tell you that these pristine
17 waters of ours coming out of the Hill Country is a
18 really fragile balance.

19 For one thing, it's just among some of the most
20 pure waters in the United States. And it doesn't take
21 much to upset the chemistry of that water which leads
22 to, you know, algae buildup and discoloration, another
23 degradation of the clarity of the Blanco River that we
24 all love.

25 So for my vote, I really welcome this

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1 alternative, which is an opportunity for land
2 application, is much more protective of the environment
3 with an entity that has plenty of land to accommodate
4 the system.

5 So thank you for the effort, and I really agree
6 with the alternative. I appreciate it.

7 MAYOR JAGGERS: Thank you, sir.

8 Gary?

9 COUNCILMAN BARCHFELD: We have Susan Zimmerman
10 next. If I may get Sara Dishman to speak after that.
11 Martha Knies, Debby Spears, Raoul Belleau --

12 UNIDENTIFIED SPEAKER: We can't hear you.

13 COUNCILMAN BARCHFELD: Sara Dishman, Martha
14 Knies, Debby Spears, Raoul Belleau, Juniper Schneider,
15 Pam Showalter.

16 SUSAN ZIMMERMAN: Mayor, and City Council, thank
17 you for this chance to speak. My name is Susan
18 Zimmerman --

19 UNIDENTIFIED SPEAKER: Louder, please.

20 SUSAN ZIMMERMAN: My name is Susan Zimmerman. I
21 live outside the city limits. My comments relate to the
22 proposed project changes. And when I refer to "the
23 council," I mean the four council members who support
24 the change in scope to switch from the city-owned
25 wastewater system to giving the wastewater contract to

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1 Aqua Texas.

2 At the Thursday, June 3rd city council meeting,
3 just five days before this hearing, the council voted
4 four to one for two agenda items related to this change
5 of scope. On one item council voted to pay \$200,000 to
6 end its contract with Black Castle. On the other,
7 council voted to accept a letter telling the TCEQ the
8 city would not renew the permit for the original
9 wastewater treatment plant. This plant was part of the
10 plan for which the TWDB loaned the city five and a half
11 million dollars. The city got the loan in part because
12 the plan to reuse water at Blue Hole Park, which fit
13 with part of TWDB's environmental mission, the water for
14 Blue Hole is gone from the change of scope.

15 I believe these votes were premature, and I
16 question the timing, only five days before this TWDB
17 required public hearing.

18 The city has been negotiating with Black Castle
19 to end the contract since August 2018. Why settle just
20 five days before this public hearing?

21 The second vote really got me wondering what
22 this council is doing. It has until July 2019 to tell
23 TCEQ whether it will renew the permit. The council
24 member who wrote the letter said the reason for voting
25 on this now was, quote, to get the letter written and

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1 have it ready to go whenever we're ready to send it.
2 Whether we send it tomorrow or in July makes no
3 difference. We still want to have the letter ready to
4 go. Later I believe the quote was, we intend to go with
5 Aqua Texas, have them treat our effluent, and once
6 that's all approved, we won't need this permit any more.

7 Another council member asked if the letter could
8 be held until if and when the Aqua Texas plan is
9 finalized. The council member who wrote the letter
10 answered, I'm not sure I'm in favor of that because I'm
11 not sure when that's going to happen. Why rush to
12 finalize the letter if you're not sure when that's going
13 to happen? I hope TWDB will ask the council the
14 following question: Do they have a plan to do something
15 that somehow makes the TWDB loan unnecessary? Or do
16 they think that with these votes they have done away
17 with any alternative to the Aqua Texas plan and that
18 will force the TWDB to approve the change of scope?

19 And lastly, please do not let the city use your
20 loan to give the contract to Aqua Texas. Thank you.

21 SARA DISHMAN: My name is Sara Kirkpatrick
22 Dishman. I'm a decades-long tax-paying citizen, and I
23 own two properties within the Wimberley City limits.
24 I'm a fifth generation Wimberley resident.

25 I, along with everyone else in this community,

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1 we're exhausted and distraught with the drama, the
2 fining, the back and forth that's played out with this
3 ordeal, the accusations, the lies, the misleading
4 propaganda and the division that it's created within
5 this community for the past two decades.

6 Yes, we want the problem solved. We all want
7 the problem solved. But under two conditions: No
8 discharge ever, and not with an ad valorem tax built
9 down the road to pay for the problem all for good
10 citizens who wants to flip their property and pocket
11 those profits for sale later, simply. Please, and thank
12 you.

13 MAYOR JAGGERS: Thank you.

14 Who's next? Ms. Knies?

15 MARTHA KNIES: I'm Martha Knies, and I'm a
16 resident of Wimberley, not affected by the sewer, but my
17 complaint is simple. I strongly oppose the change in
18 scope for the city sewer project as directed by the
19 current mayor and three council members.

20 This is not the plan that was approved by the
21 previous mayors and councils. My concerns, and there
22 have been many expressed and opposed by many Wimberley
23 citizens for many legitimate reasons: How many times do
24 we have to stand up here and say the same things over
25 and over? We do not want Aqua Texas managing our system

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1 and we want water for Blue Hole. Thank you very much.
2 Enough is enough.

3 MAYOR JAGGERS: Okay. Next, please.

4 DEBBY SPEARS: My name is Debby Spears. I live
5 inside the City of Wimberley and am a property owner who
6 resides full time at 420 Ex Nine Acres Road on the
7 Blanco River, which is located less than a mile
8 downstream of the proposed wastewater treatment plant in
9 the Blue Hole Park.

10 I wholly support the City of Wimberley's
11 proposed change to have the wastewater treated by Aqua
12 Texas under a wholesale agreement and eliminate the
13 expensive treatment plant in Blue Hole Park. This
14 proposed change -- this proposed change is both
15 financially and environmentally superior to the existing
16 plan.

17 On the financial side of rates based on
18 potential plant treatment by Aqua Texas will be
19 significantly reduced when compared to the Blue Hole
20 alternative. The yearly operation and maintenance of
21 the treatment plant at Blue Hole will be very expensive.
22 This is a bad investment for the City of Wimberley, and
23 I do not think we can afford to get into the wastewater
24 treatment business for only one-hundred-plus customers.
25 Environmentally, Aqua Texas uses only a land application

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1 permit for its treatment of effluent, unlike the
2 proposed Blue Hole plant which allows for the discharge
3 of effluent into the Blanco River. I oppose the Blue
4 Hole Plant for this reason and have seen what happens to
5 low country rivers and streams located downstream of an
6 effluent discharge. They are poisoned by nutrient
7 solutions and become filled with algae. I want to
8 continue to enjoy the exceptional water quality and
9 beauty of our Blanco River, which is the reason I
10 purchased my property.

11 Lastly, as many, I want an end to the diverse --
12 of the division --

13 UNIDENTIFIED SPEAKER: Divisiveness.

14 DEBBY SPEARS: -- divisiveness -- thank you --
15 over the wastewater project in the Wimberley Valley.
16 Please vote for the change plan and let's get this done
17 and over with once and for all. The last thing we need
18 now is to end up with a collection system that goes no
19 where.

20 I want to thank each of you of the city council
21 members and the mayor for your public service and for
22 your consideration of this request.

23 MAYOR JAGGERS: Thank you.

24 RAOUL BELLEAU: Hello. My name is Raoul
25 Belleau. I live at 291 Brunson Lane out by the VFW.

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1 And I'm here to talk about --

2 UNIDENTIFIED SPEAKER: Louder, please.

3 MAYOR JAGGERS: Pull it closer.

4 UNIDENTIFIED SPEAKER: There you go.

5 RAOUL BELLEAU: Okay. My name is Raoul Belleau,
6 and I live out by the VFW, and I'm here to talk about
7 operating costs today.

8 The financial comparison that was made back in
9 the August 14th presentation and then repeated here is
10 that the city-owned plant would have cost \$160,000 more
11 to operate every year than going with Aqua Texas, and
12 that would add up to over 4 million dollars over 30
13 years. Or more.

14 Albert Einstein is quoted as saying that
15 "Everything should be made as simple as possible, but no
16 simpler." This financial comparison is too simple for
17 three reasons.

18 Reason 1 comes from just not scrutinizing
19 numbers very closely. As an example, the cost item
20 that's in there for checking on the lift system is
21 attributed to the plant even though checking on the lift
22 system is actually something you would do as maintaining
23 the collection system, and it would affect both the Aqua
24 Texas option as well as the city option.

25 Additionally, the calculations and estimates for

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1 sludge disposal, for capital reserves, for electricity,
2 for the ultraviolet disinfection and additional pumps
3 assume 50K gallons per day or more versus the 20,000
4 gallons per day that we would be expecting in year one.
5 Adjusting for these costs items brings the plan
6 operating cost in year one down by about 38K.

7 Reason 2 this comparison is inaccurate is
8 because it's comparing apples and oranges. While the
9 city option envisions a future for Blue Hole Regional
10 Park as a green oasis even during times of extreme
11 draught, due to a consistent access of 30 to 50 thousand
12 gallons per day of irrigation water, the Aqua Texas
13 option leaves no money in there for Blue Hole Park. It
14 leaves it high and dry, with no costs allocated for
15 providing irrigation. This must be added back in for an
16 apples-to-apples comparison. One option that was
17 discussed here is you can truck it in, right? You can
18 take five to ten trucks every day and bring it in, put
19 it in a tank, you can test it, which costs about \$30,000
20 a year according to the estimates that were provided by
21 the city to make sure the soccer kids don't get sick
22 from it. Or, as it turns out, buying water at a
23 wholesale rate is probably cheaper. If you just went
24 with that, you're looking at about \$41,000 a year,
25 bringing an equivalent amount of irrigation to the park.

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1 Combining these two adjustments reveals that the
2 year one operating cost difference is not --

3 THE REPORTER: I'm sorry, sir. Could you start
4 that over and please slow down.

5 RAOUL BELLEAU: Okay. Sorry.

6 Combining these two adjustments reveals that the
7 year one operating cost difference, rather than 160K, is
8 actually closer to 80K. The Reason 3 that this
9 comparison is inaccurate is it just ignores the future.

10 Year six is a really interesting inflection
11 point because that's when Aqua Texas gets to raise their
12 rates. In the past few years, Aqua Texas has documented
13 offers to the city and several different offers over the
14 last few years anywhere from 11.72 to 13.96 per thousand
15 gallons. Even if you dropped it down to a \$10,000 per
16 gallon rate, year six, the city option is projected to
17 be cheaper.

18 And then if you send that out, in essence of
19 profit, by the time you get out to year 30, the city
20 option is actually much better, 178K cheaper.

21 In summary, in an apples-to-apples comparison, I
22 believe the city option would have significantly lower
23 annual operating and maintenance expenses over a 30-year
24 period than the Aqua Texas option. Thank you.

25 MAYOR JAGGERS: Thank you, sir.

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1 JUNE SCHNEIDER: Am I next?

2 MAYOR JAGGERS: You are.

3 JUNE SCHNEIDER: I'm Juniper Schneider, 505
4 River Road. I do live in Wimberley.

5 Ten months ago, in this room, the League of
6 Women Voters had a roundtable or a round robin--or
7 whatever it was called--and all the candidates went
8 around to the various tables. When they came to my
9 table, I asked the mayor, Mr. Barchfeld, Mr. Fore, and
10 Ms. Kelly one simple question: Are you trying to get
11 Aqua Texas into Wimberley? Not a complicated question.
12 Not an engineering question. Not a bioengineering
13 question. A very simple, direct question.

14 All four of them said to me, Aqua Texas is a
15 dead issue; we're not going there.

16 JUNIPER SCHNEIDER: The only thing that they
17 wanted to discuss was the pond, which seems to have
18 disappeared. All I want to say is, 30 days later after
19 the election, what did we hear about? Aqua Texas. Now,
20 if they lied about that, how can we trust that that's
21 not happening here?

22 MAYOR JAGGERS: Just one moment, please.

23 Sir, I believe I remember that question that you
24 asked, and my response was that I didn't have enough of
25 the facts to support that decision.

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1 UNIDENTIFIED SPEAKERS: (Inaudible.)

2 MAYOR JAGGERS: Okay. Will the next lady,
3 please.

4 UNIDENTIFIED SPEAKER: It's not your turn.

5 MAYOR JAGGERS: Okay. Can we go to the next
6 lady, please.

7 PAM SHOWALTER: My name is Pam Showalter. I am
8 a resident of Wimberley. I've been here since 1997. I
9 live at 501 Woodcreek Ranch Road. And I have served on
10 the Planning Commission, the Comprehensive Planning
11 Committee. I've served as a member of council and many
12 other activities here in town. And when I served on
13 council, I was humbled because this wastewater system
14 had been worked on by the citizens of this community for
15 so long, and hundreds of you took part in it. Many
16 arguments, lots of butting heads, and finally we came to
17 a point where we seemed to be in agreement and the
18 construction began.

19 To see this council turn away from that system
20 in the, I believe, misguided thinking that somehow you
21 can grasp the enormity of the data and the criteria that
22 had to be met in such a short period of time to me, I
23 have to say is tantamount to malfeasance. I am very
24 disappointed in you, and I urge you to think about
25 honoring your oath of office, which was to carry out the

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1 will of the majority and act as a representative of the
2 people. Thank you.

3 MAYOR JAGGERS: All right.

4 COUNCILMAN BARCHFELD: Next speakers, please.
5 Gail Pigg, Al Sanders, Phyllis Finnemore, and Cookie
6 Hagemeyer. Is that correct?

7 GAIL PIGG: My name is Gail Pigg, and I live at
8 2212 Flite Acres Road.

9 UNIDENTIFIED SPEAKERS: (Inaudible.)

10 GAIL PIGG: And I'm speaking tonight as a
11 citizen of Wimberley.

12 I'm also a civil engineer--I wanted to add
13 that--and I've tried to look at this --

14 UNIDENTIFIED SPEAKER: We cannot hear you.

15 GAIL PIGG: -- objectively as possible. There
16 have been serious and widespread objections to
17 wastewater discharge permits throughout the Hill
18 Country. And Liberty Hill on the San Gabriel River and
19 Dripping Springs on Onion Creek, upstream of Blanco in
20 the Blanco River, in Spring Branch on Honey Creek, in
21 Bulverde, on Cibolo Creek, in Del Terrace in Sabear
22 Creek and in Wimberley in the Blanco River, in all of
23 these situations, the environmental community--and I was
24 one of them--opposed these permits and asked what did we
25 ask for? We asked for a no-discharge permit. We asked

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1 for no discharge. The experts in the industry agree
2 that no discharge is more protective of the environment.

3 So I looked at the permits. I compared the Aqua
4 Texas permit and the City of Wimberley permit, and I
5 have -- (hands out paper.)

6 So on the type of permit, one allows direct
7 discharge and one of them does not. On the total
8 storage, one of them has 50,000 gallons of storage --
9 500,000 gallons of storage, one has 20 million gallons
10 of storage. On the days of storage available, one has
11 6.67 days of storage and the other has 80 days of
12 storage. On the acres designated in the permit for
13 irrigation, one has 6 acres, which is the soccer fields,
14 and the other has 143 acres. The additional acres, one
15 is promised 18 additional acres only after a discharge
16 occurs in the driest of weather--and it has to be bone
17 dry--and the other one has a total of 175 acres, plus
18 200 additional if required.

19 Because Aqua Tex has a land-application-type
20 permit, which is what everybody asks for when they
21 contest these permits, the soil is part of the permit,
22 the soil thickness is identified in the permit and the
23 permit requires it to be tested annually, biannually.
24 The city permit does not regulate the soil. It doesn't
25 require minimum thickness or it has no requirement to

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1 test it annually.

2 So based on my logical premise, which is that no
3 discharge is more protective of the environment--and I
4 strongly oppose direct discharging in the creek and
5 river over the contributing zone of the Edwards
6 Aquifer--I have to be in support of these proposed
7 changes because I have to be consistent. I can't want
8 no discharge everywhere else and then be presented with
9 a change that gives us no discharge and not support it.
10 It would be illogical to do so.

11 So the ultimate goal here is to support
12 legislation, and I'm asking the council to do that in a
13 separate item. I would like for legislation to be
14 supported that would mandate no discharge of the
15 contributing zone of the Edwards Aquifer.

16 Why am I not asking for it for the Edwards
17 Aquifer? Well, because the TCQ already does not allow
18 direct discharge over the Edwards Aquifer or five miles
19 within the Edwards Aquifer.

20 How far is the Wimberley Plant from the Edwards
21 Aquifer? It's nine miles. So if we were just four
22 miles closer, we wouldn't be talking about this. There
23 would be no-discharge permit even allowed at the park,
24 so that's what I had to say. Thank you for your
25 service.

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1 MAYOR JAGGERS: Next, please.

2 AL SANDERS: My name is Al Sanders, and I've had
3 property in Wimberley since 1967 on Cypress Creek. I
4 also own three commercial properties here in town, and I
5 have since I have residence on Cypress Creek, which is
6 polluted probably three to four months out of the year,
7 so we cannot use it.

8 My concern really is more with Aqua Texas. It
9 takes a very simple computer search with Google to find
10 that Aqua Texas has been sued all over the United States
11 for not taking care of their own facilities. We have
12 seen over the years -- since '67 I have watched the
13 overflow of effluent into Cypress Creek at the bridge up
14 by Jacob's Well. I just do not think they're a good
15 partner for us to go with to take care of the sewages
16 produced here in town.

17 So I'm very much opposed to Aqua Texas as a
18 long-term partner, and I am opposed to their contract.
19 And if you look at their corporate brochure, their
20 plea -- or their address to their stockholders is the
21 way we're gonna guarantee you the return on your money
22 is because our objective is to go to small towns where
23 they don't have a storage system, we go in and we buy it
24 and then we have all the rights, we can raise the rates
25 to anything we want.

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1 So you can be guaranteed your investment in Aqua
2 Texas -- or Aqua America is what it's called -- is gonna
3 generate revenue for 'em because the way we have the
4 ability to bill the customers. Thank you.

5 MAYOR JAGGERS: Next, please. I believe Phyllis
6 Finnemore is next?

7 COOKIE HAGEMER: No. Phyllis Finnemore is
8 next, but I don't see her. She is here tonight.

9 MAYOR JAGGERS: Oh, okay. Then go for it, then.

10 UNIDENTIFIED SPEAKER: (I did not intend to sign
11 up tonight to speak.)

12 MAYOR JAGGERS: Oh, okay.

13 UNIDENTIFIED SPEAKER: (I did not intend to sign
14 up to --)

15 MAYOR JAGGERS: Oh, okay. So go for it.

16 COOKIE HAGEMER: My statement is really quite
17 simple. We have all of the facts and figures. Through
18 the years, that has been provided to us. Very
19 believable facts based on lots of research and study.

20 So my name is Cookie Hagemer, and I live in
21 the Wimberley Valley. I speak in favor of the
22 city-owned wastewater treatment plan and against the
23 sell-out of this to Aqua Texas.

24 Years of research and planning has gone into the
25 development of the best possible wastewater treatment

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1 solution for the Wimberley Valley. Citizen input was a
2 very large part of the planning. Millions of dollars in
3 funding was secured that included generous grants and
4 loan forgiveness.

5 A newly-elected city council has decided to
6 forfeit these dollars in favor of giving a contract to
7 Aqua Texas. The transaction already has cost the city
8 hundreds of thousands in settlement charges for stopping
9 the work in progress, as well as for forfeiting the
10 grants. Control of the plant by Aqua Texas would spell
11 disaster for Wimberley in so many undesirable ways.
12 Those of us who have experienced Aqua Texas in personal
13 ways understand those difficulties on a small scale.
14 The city would be the big loser if Aqua Texas is given
15 control of this project.

16 I attended a meeting early on with the current
17 council to learn that they have no plan to benefit the
18 Wimberley Valley by turning over the sewer treatment
19 plant to Aqua Texas. Their goal from the beginning,
20 contrary to what they spoke before being elected, has
21 been to delete the years of planning in favor of Aqua
22 Texas.

23 A major benefit of the city-owned plan is to use
24 the highest quality of recycled water on the sports
25 fields at Blue Hole Park. The Aqua Texas plan would

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1 instead cross Cypress Creek with untreated sewage,
2 putting the creek at risk for major disaster, thereby
3 the Blanco River as well. The wastewater then, treated
4 to a lesser degree, would be used for the benefit of
5 watering a privately owned golf course.

6 I would ask that the TWDB not go forward with
7 the loan that was secured for the city-owned wastewater
8 development plan, if, in fact, the city council does go
9 forward with Aqua Texas. The Wimberley Valley did not
10 vote for this council. The City of Wimberley electorate
11 is a small number within the whole of the Wimberley
12 Valley. Were the truth told before the election, the
13 City of Wimberley would not have the current leadership
14 of the city government. Thank you.

15 MAYOR JAGGERS: Mr. Barchfeld, who's next?

16 COUNCILMAN BARCHFELD: Next speaker, Sue Ann
17 Iles, followed by Paul Prasek, Sheila Wollam, Tracy
18 Dean.

19 UNIDENTIFIED SPEAKER: Is it possible to ask a
20 question? (Inaudible.)

21 MAYOR JAGGERS: We've already gone through all
22 of that and moved on.

23 Who was next, Gary?

24 Sue Ann, would you like to come forward? Sue
25 Ann is not coming forward. Is there another -- who's

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1 next?

2 COUNCILMAN BARCHFELD: Paul Prasek.

3 MAYOR JAGGERS: Mr. Prasek? Paul, would you
4 like -- no, Paul's declining. Paul has declined. Who
5 else?

6 COUNCILMAN BARCHFELD: Sheila Wollam.

7 MAYOR JAGGERS: Sheila, are you here?

8 All right, Gary, thank you. Please step
9 forward.

10 UNIDENTIFIED SPEAKER: She's at the office
11 still.

12 MAYOR JAGGERS: Okay. We'll pass with Sheila.
13 I guess going on to who?

14 COUNCILMAN BARCHFELD: Tracey Dean.

15 MAYOR JAGGERS: Mr. Dean, come on forward.
16 You're up next.

17 UNIDENTIFIED SPEAKER: Did you hear Sue Ann
18 Iles?

19 COUNCILMAN BARCHFELD: I thought she did not
20 want to speak.

21 MAYOR JAGGERS: Sue Ann, why don't you scoot up,
22 please. You can speak after Mr. Dean.

23 Go ahead, Mr. Dean.

24 TRACEY DEAN: All right. Thank you very much.

25 I just wanna thank the council for getting up every day

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1 and doing what's right because it's right.

2 Mark Twain once said that politicians and
3 diapers need to be changed often for the same reason,
4 and this is our change right here from the last one.
5 And we'll have another change after this one at some
6 point. Hopefully we as Wimberley will get through this.
7 But I am in agreement with the changes.

8 My grandfather wasn't Albert Einstein, but he
9 did say that if it looks too good to be true, it
10 probably is. And the deal that was here before this one
11 just looked too good to be true. I mean, you got a
12 hundred people that are gonna -- we're gonna spend 7 and
13 a half million dollars to pump to, to take care of. I
14 mean, come on, that doesn't make any sense. Something
15 is not adding up. If it was up to me, I'd scrap the
16 whole thing. You know what I'm saying? I'd like to go
17 back to where we didn't have crowded streets, all of
18 these people coming down here --

19 UNIDENTIFIED SPEAKER: (Inaudible.)

20 MAYOR JAGGERS: It's hard enough to talk without
21 all the --

22 TRACEY DEAN: Do you see how ridiculous all of
23 this is? Any way, thank you very much for stepping up
24 to the plate, doing what you think is right. If
25 politicians don't do that, statesmen do, and I

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1 appreciate what you do.

2 MAYOR JAGGERS: Thank you, Mr. Dean.

3 Really? The groaning and heckling is
4 inappropriate.

5 So who's next to speak?

6 COUNCILMAN BARCHFELD: Is Sue Ann Iles speaking
7 or not?

8 MAYOR JAGGERS: Sue Ann, would you like to
9 speak?

10 SUE ANN ILES: Not really.

11 MAYOR JAGGERS: Okay, well --

12 SUE ANN ILES: My name is Sue Ann Iles. I do
13 not live in Wimberley. I live in the ETJ. You will
14 probably never come up where I live. But some day other
15 things around me will be developed. And I am not for
16 Aqua Tex to come in and take over. But I -- that's
17 basically what I feel. And I feel like that I need to
18 be supporting my community and let them know how I feel
19 about this. So that's basically it.

20 SUE ANN ILES: I don't want them here. Also, I
21 wasn't supposed to be speaking. I was supposed to turn
22 it over to Steve Thurber and let him talk because he
23 lives right over the --

24 MAYOR JAGGERS: I'm sure he signed up to speak
25 like everyone else. Who was next?

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1 COUNCILMAN BARCHFELD: Sue Ann, I apologize to
2 you. It did mark that you did not want to comment, so
3 you have my apologies moving forward.

4 James Lancaster, Jamie Pettit, Christine Byrne,
5 Merry Gibson, Claudette Lowe.

6 Once again, James Lancaster, Jamie Pettit,
7 Christine Byrne, Merry Gibson, Claudette Lowe.

8 MAYOR JAGGERS: James, are you here?

9 COUNCILMAN BARCHFELD: Lancaster.

10 MAYOR JAGGERS: Mr. Lancaster? Who was next
11 after that? We'll come back to him.

12 COUNCILMAN BARCHFELD: Jamie Pettit.

13 MAYOR JAGGERS: Ms. Pettit, the mic, please.

14 JAMIE PETTIT: My name is Jamie Pettit. I'm a
15 citizen in Wimberley City limits.

16 UNIDENTIFIED SPEAKER: Louder.

17 JAMIE PETTIT: The city of wastewater treatment
18 plant project does not have a raw sewage pipe crossing
19 under Cypress Creek.

20 On June 7th, when Mayor Jaggars first introduced
21 parts of the Aqua Texas plan to citizens, she said that
22 the pipe crossing through Cypress Creek to connect to
23 Aqua Texas's system would be a double pipe with leak
24 detectors to ensure that no raw sewage would leak into
25 Cypress Creek or underground.

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1 Just to be clear, this pipe will be carrying raw
2 sewage, not treated effluent.

3 With the current plan, if there is a leak in the
4 single pipe, raw sewage would potentially leak into our
5 aquifer, Cypress Creek, and possibly the Blanco River.

6 Why does this current plan being reviewed not
7 have an extremely important safety feature of a double
8 pipe to protect our water waste?

9 I would also like the Texas Water Development
10 Board to remember this quote from Mayor Susan Jagggers,
11 in a 2018 email to Dain Larsen, who is on TWDB, quote,
12 for the record, most of the community wants to own and
13 operate their own plant, end quote.

14 Yes, we do, Mayor Jagggers.

15 JAMIE PETTIT: And you have done your best to
16 prevent the city-owned wastewater treatment plant from
17 being built against the wishes of the majority of our
18 community.

19 MAYOR JAGGERS: Thank you. I think I need to
20 respond to that one.

21 If you would like me to respond, you'll have to
22 listen. Okay.

23 UNIDENTIFIED SPEAKER: (Inaudible.)

24 MAYOR JAGGERS: All right. Well, you know, if
25 you want --

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1 I would love to have a plant if we had enough
2 land to put the effluent on, but we don't. And if we
3 had enough resource to be able to justify it, but we
4 don't. So let's go on and talk about the loan first and
5 let's listen to the reason -- address the pipe was
6 double -- or the direction of --

7 STEVE COONAN: So I guess the question -- or the
8 comment is on the safety of the single pipe under the
9 creek. I think that is the -- if you have a leak in
10 your system, that is the place where it is the least
11 likely to occur, that the pipe -- that that is -- there
12 are no joints. The rest of your system, the collection
13 system is all a single pipe; there's no need to have a
14 double pipe in that location.

15 MAYOR JAGGERS: Okay. You're next.

16 CHRISTINE BYRNE: Christine Byrne. I would like
17 to yield my time to John Esteppe.

18 JOHN ESTEPPE: Good evening. My comments today
19 are to the Texas Water Development Board. I'm a
20 licensed professional geoscientist with 30 years of
21 groundwater protection/subsurface carbonate experience
22 in the State of Texas -- for the State of Texas. I'm
23 considered a groundwater expert, and I've trained many
24 of the staff at the Texas Water Development Board in
25 their BRACS study, the study of ground water

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1 availability.

2 I'm a long-time Wimberley resident, living on
3 the north side of Wimberley, since 1986, member of the
4 City of Wimberley Wastewater Advisory Board since
5 January of 2003.

6 I'm gonna address and meet the environmental
7 side here. And we know several known,
8 southwest-northeast trending fault zones that exist in
9 the Wimberley area. The nearest one, of course, going
10 down through downtown called the Wimberley Fault Zone.
11 And it crosses downtown Wimberley between the downtown
12 Cypress Creek bridge and on the Blanco River bridge on
13 Ranch Road 12. A geological (inaudible) called the San
14 Marcos High is responsible for the development of
15 associated fractures, joints that helped develop some of
16 these caves and springs like Blue Hole and up toward
17 Woodcreek, Jacob's Well, which is in proximity of the
18 Tom Creek fault.

19 Now, given a number of historic water wells that
20 has shown the movement of ground water horizontally,
21 vertically along these fault zones, and I have prepared
22 a cross section that is being presented to the Texas
23 Water Development Board demonstrating this. One of the
24 wells to the northwest in the Sabino Ranch and then the
25 second well southeast of the Deer Creek Nursing Home

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1 where they have record of a fault crack at 270 to
2 280 feet of depth. Now, this is down-thrown side of the
3 Wimberley Fault Zone and in connection with the aquifer.
4 And when some of these wells were tested back then, they
5 had to cut in some wells because it was causing a
6 drastic drawdown, so one of these wells was actually
7 abandoned because of that reason, and it became the
8 observation well.

9 On the proposed wastewater pipeline beneath the
10 creek, there's no isolation zone should pipe develop a
11 leak due to mechanical failure. Close proximity of the
12 Blue Hole could be problematic in a draught condition,
13 in case some of it would fail and local water costs be
14 impacted.

15 I would recommend to the board that they
16 change -- the change of scope be denied regarding the
17 current approved wastewater plant project, to continue
18 as which was permitted by TCEQ and funded by the Texas
19 Water Development Board.

20 Functionally submitted by -- with attached
21 geologic cross -- excuse me -- cross section, John D.
22 Esteppe, professional geoscientist. Thank you.

23 MAYOR JAGGERS: Thank you. Mr. Coonan --

24 STEVE COONAN: So, again, I would just repeat my
25 earlier comment that there is no fool-proof system, but

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1 this pipe under the creek is the least likely to leak.

2 MAYOR JAGGERS: Merry, it's your turn.

3 MERRY GIBSON: Okay. Good evening. My name is
4 Merry Gibson, and I'm a 25-year resident of Wimberley.
5 My home is located at 310 Mill Race Lane, the frontage
6 of Cypress Creek, downstream of Blue Hole Park.

7 I'm an affected landowner, and I spoke at the
8 Texas Water Development Board's hearing here in 2014 and
9 at their hearing in Austin in 2016. Both times I
10 opposed the city-owned wastewater project as too
11 expensive for our small town and environmentally
12 damaging to both the Blanco River and Cypress Creek.

13 I want to thank the Mayor of Wimberley, Susan
14 Jaggars, the members of the city council, and the Texas
15 Water Development Board for the opportunity to voice my
16 support for the change of scope to the wastewater
17 project.

18 The change supports three major benefits to
19 users and all residents of the Wimberley Valley. Number
20 one, the change in scope from installing a sewer
21 treatment plant and the nationally-recognized Blue Hole
22 Park to sewage processing by Aqua Texas allows Wimberley
23 users very affordable rates that are in place and billed
24 to residences and businesses on the north side of
25 Cypress Creek.

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1 Number two, this scope change will be a
2 no-discharge option, and the land application Aqua Texas
3 offers will afford no environmental damage to either the
4 Blanco River or Cypress Creek.

5 And number three, Aqua Texas is very generous to
6 offer to upgrade their treatment plant to Type 1
7 effluent. It's a benefit that can't be measured. The
8 Type 1 reduced water will be available to the city but
9 will also be used by Aqua's existing customers such as
10 the golf course and the creek.

11 I want to thank the mayor and council for having
12 the courage to make this positive change that benefits
13 so many people. I urge the Texas Water Development
14 Board to approve the scope change to the wastewater
15 project. Thank you.

16 MAYOR JAGGERS: Next, please.

17 CLAUDETTE LOWE: My name is Claudette Lowe, and
18 I'm gonna give my time to Robert Tinstman.

19 MAYOR JAGGERS: Okay.

20 ROBERT TINSTMAN: My name is Robert Tinstman,
21 and I'm a Woodcreek resident. I was employed by the
22 Texas Commission on Environmental Quality and the
23 predecessor water agencies for 21 years.

24 My comments and questions tonight have to do
25 with whether Aqua Texas is a suitable partner for the

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1 City of Wimberley.

2 The point I want to make is that Aqua Texas,
3 when it comes to obeying the state's pollution control
4 laws, is a repeat and chronic offender, and is not fit
5 company for a place as environmentally conscious as the
6 Wimberley Valley. 07:27

7 Aqua Texas cannot manage the raw sewage that it
8 has from Woodcreek. For at least the past nine years,
9 Woodcreek's collection system has been regularly and
10 illegally discharging thousands of gallons of raw sewage 07:27
11 into our neighborhood. They have now been fined twice
12 by TCEQ for these unpermitted raw waste discharges. And
13 I'm providing copies to you tonight of the two
14 enforcement orders.

15 Aqua does not even have its own maintenance 07:28
16 crews. They called out their subcontractors only after
17 a problem arises. They do no preventive maintenance.
18 This is not the kind of corporate partner that Wimberley
19 wants.

20 Let me ask you something: Has the City of 07:28
21 Wimberley done even the most minimum of due diligence?
22 Have you ever contacted Aqua's other customers to find
23 out their experiences with them? Have you ever
24 contacted Spring Hill Estates in Denton County, or B&W
25 Gathering in Burnet County, or Village Trace in Brazoria 07:28

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1 County? Or have you even contacted the cities of Kyle
2 or Woodcreek here in Hays County?

3 All of these systems are operated or were
4 operated by Aqua Utilities and have been the subjects of
5 enforcement and administrative penalties by TCEQ. Have
6 you ever contacted them to find out if Aqua Texas is a
7 dependable corporate partner? I think we all know the
8 answer to that question.

9 The city's draft agreement with Aqua has its own
10 pitfalls. Aqua establishes a 50 milligram per liter
11 limitation on the oil and grease it will accept and then
12 says that the city's failure to meet those limits would
13 trigger corrective action by the city on its
14 dischargers.

15 50 milligrams per liter is a level that would be
16 characterized as weak, residential strength wastewater.
17 It's a level that the city's commercial users, such as
18 restaurants, will surely violate and then face Aqua's
19 penalties.

20 The city has a pretreatment program in name
21 only. With influent limitations of 50 milligrams per
22 liter, the city will have to hire staff to enforce its
23 pretreatment ordinance, an undocumented cost that you
24 are not telling us about.

25 The agreement with Aqua also shows a \$300,000

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1 wholesale service connection fee. Up until the
2 agreement was released, the city described this payment
3 as a necessary fee to be used to expand and upgrade
4 Aqua's plant. Now the agreement says that Aqua will pay
5 for the expansion and upgrade free of charge. We're not
6 quite sure who you think you're kidding.

7 Why would the city pay this exorbitant amount to
8 convert to Type 1 effluent when the effluent re-use plan
9 to bring the treated water back to the park has been
10 expressly abandoned? This is nothing more than a poorly
11 disguised attempt to take city funds and donate them
12 directly to the bottom line of a private utility.

13 Please reverse the course that you're on.
14 Please build the city its own treatment plant. Invest
15 in Wimberley's future, not that of a private utility.

16 MAYOR JAGGERS: The more clapping, the more time
17 goes by that we won't be able to talk. Keep that in
18 mind.

19 Thank you. In answer to your due diligence and
20 most of your other questions, the answer is yes, yes,
21 yes, we've done that.

22 Who's next?

23 COUNCILMAN BARCHFELD: Lois Mahoney, Jackie
24 Matice, David Baker, Jo Kathryn Quinn, and Dorothy
25 Knight, then.

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1 MAYOR JAGGERS: Okay.

2 LOIS MAHONEY: I'm Lois Mahoney. I'm a citizen
3 of Wimberley and also a business owner of Wimberley. I
4 just want to thank the council for all the work that
5 they've done on this modified plan and express my
6 support for them. Thank you. 07:32

7 MAYOR JAGGERS: Next, please.

8 JACKIE MATICE: My name is Jackie Matice. Can
9 ya'll hear me?

10 UNIDENTIFIED SPEAKERS: No. 07:32

11 MAYOR JAGGERS: You're welcome to lower the mic.

12 JACKIE MATICE: Okay. My name is Jackie Matice,
13 and I live in Wimberley at 46 La Toya Trail. And I'm
14 here to oppose the plan that the city council is hoping
15 to change the plan that was already put in place in
16 previous -- by previous councils. 07:32

17 When I moved to Wimberley--I purchased a house
18 in 2002--I didn't know diddly about the water system. I
19 was from Ohio. And I looked at the bills of the house
20 that I was about to buy, and they looked reasonable. I
21 didn't question it any further. 07:33

22 It didn't take long for me to learn how blessed
23 I was to have the water in my house come from the City
24 of Wimberley as opposed to Aqua Texas.

25 Ya'll have friends that live right next door in 07:33

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1 the community of Woodcreek. You have heard -- for years
2 you have heard of the higher bills and the poor service
3 and the irresponsible actions of that company. Why
4 would we want them to treat our water? And not only
5 that, okay, 2002, I saw many of the discussions and the
6 proposals of -- we all knew we needed to take care of
7 the sewage. There was no question about that that we
8 needed a sewer system. But as it was pointed out
9 earlier, there was a lot of debate and controversy and
10 studies and so forth, and finally -- finally they all
11 got together and they got the financing and --

12 UNIDENTIFIED SPEAKER: We can't hear you.

13 JACKIE MATICE: Okay, I'm sorry.

14 They got the financing, they got -- they went
15 through all the regulatory hoops, and we had a system,
16 until the next council took over. We were 20 percent
17 down the road. That plan was already in place. We were
18 at least 20 percent. Did you all hear that? 20 percent
19 down the road of the plan that had already been approved
20 and put in place.

21 And I, therefore, object to the money that has
22 been wasted, the time that has been wasted --

23 MAYOR JAGGERS: Ms. Matice, I'm sorry, but I
24 think --

25 Shawn, your indication is she's gone way over?

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1 Okay. You've got a second, you got to -- please
2 continue.

3 JACKIE MATICE: The time that has been wasted
4 because the work was stopped. And still nothing --
5 that's been at least six months. Any way, thank you for
6 allowing me to express myself. 07:36

7 MAYOR JAGGERS: Thank you.

8 DAVID BAKER: Mayor, Council, my name is David
9 Baker. I'm Executive Director of Wimberley Valley
10 Watershed Association. I live at 1405 Mt. Sharp Road 07:36
11 for the past 31 years. I was the first chairman of the
12 Water and Sewer Committee for Wimberley when it
13 incorporated, served on the Hays Trinity Ground Water
14 Conservation District.

15 I want to request that the Water Development 07:36
16 Board do a full environmental impact study on the boring
17 under Cypress Street. Not just for the risk of
18 pollution but also the risk of disrupting our system--as
19 John was talking about--that fault there. That fault
20 runs down, and that's -- the Wimberley water supply 07:37
21 wells are situated along that fault. I think that's an
22 area that we really need to do more research before we
23 go digging.

24 I also really question the wisdom of using
25 public dollars to benefit this private company or 07:37

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1 building infrastructure that's gonna allow a corporate
2 entity to continue to export dollars out of our
3 community.

4 As a fiscally responsible commission, we
5 estimate the 1800 users now were exporting about
6 \$2.8 million in revenue to Wall Street out of our
7 community through Wall -- through Aqua Texas.

8 If we allow them to put their pipes on the north
9 side of the creek, that number is gonna continue to go
10 up. I do not believe privatization of a water system at
11 any level is gonna benefit the environment or benefit
12 any of the users. In five years they will certainly
13 raise those rates and maybe even double those rates.

14 I fought Aqua Texas with the Water Association
15 in the late '90s. The minute they bought this system,
16 they applied for extreme discharge in Cypress Creek.

17 And I would ask that the council--if they choose
18 to proceed with this path--have an agreement that Aqua
19 will never ask for extreme discharge because my
20 suspicion is when they go to Type 1, there's no
21 impediment for them -- because once we stop them from
22 that first discharge in Cypress, they apply for it in
23 Wilson Creek, and they were gonna discharge into Blanco.
24 So those folks that are really worried about what's
25 gonna happen with Blanco River, watch that.

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1 The other thing that was really disturbing to me
2 earlier this year, there was an item on the agenda that
3 there was a proposal to actually put a distant effluent
4 line through the creek that when the plant got to its
5 capacity where we couldn't irrigate, that effluent could
6 have gone through that line into Aqua's system. They
7 were willing to do it. For some reason, the council
8 didn't bring that up for discussion. To me that was the
9 solution for no discharge was to have that outlet where
10 we could put that effluent into their system.

11 Long term, that system needs to be publically
12 owned. We need to have the control of our water locally
13 and not have a corporate Wall Street company running
14 our -- our water system.

15 So I urge the Water Development Board to move
16 forward with a full study, and really I would say deny
17 the entire grant on this proposal unless we go back to
18 the city plan.

19 MAYOR JAGGERS: Okay. Ms. Knight is next.

20 DOROTHY KNIGHT: My name is Dorothy Knight, and
21 I am conceding my time to the former mayor, Steve
22 Thurber.

23 STEVE THURBER: Thank you, Dorothy. I
24 appreciate that.

25 My name is Steve Thurber. I live at 400 Madrone

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1 Trail in the City of Wimberley.

2 And I would like to start by issuing my protest
3 in the way the city has arbitrarily decided to change
4 the rules and randomly select folks to speak as opposed
5 to in the order in which they signed up.

6 MAYOR JAGGERS: Mr. Thurber, we'll start your
7 clock over. Just to be clear, it is up to the presiding
8 officer to determine the list, and there are no rules on
9 how it should be run.

10 STEVE THURBER: Thank you.

11 UNIDENTIFIED SPEAKERS: (Inaudible.)

12 MAYOR JAGGERS: And we will include everyone's
13 testimony in writing, and verbally, and it will go to
14 the board.

15 STEVE THURBER: Thank you.

16 MAYOR JAGGERS: Everyone will have a chance to
17 be heard.

18 STEVE THURBER: I'm opposed to the proposed
19 change of scope on several grounds, including financial,
20 environmental and contracting with Aqua Texas, or any
21 other private wastewater provider.

22 The City of Wimberley -- the citizens of
23 Wimberley were told the reasons for the proposed change
24 of scope were financial issues and effluent discharge
25 issues.

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1 First, I'd like to address the discharge issue.
2 I was the mayor during the city's permitting process
3 with Texas Environmental -- Commission on Environmental
4 Quality.

5 As part of that process, several groups
6 protested the city's permit application on the grounds
7 of discharge and water quality. A settlement was
8 achieved after a tough and thoughtful mediation process
9 whereby, in part, the city agreed to implement several
10 measures to reduce the chance of discharge to almost
11 none.

12 It is important to remember that any discharge
13 would be of water of the quality that exceeds TCEQ's
14 Type 1, safe for human context, standards along with
15 other restrictions on discharge.

16 I have attached a copy of an op-ed I wrote for
17 the Wimberley View in 2017 titled "Let's Talk Discharge"
18 for inclusion into the record. I will hand that to you
19 in a moment. Due to time constraints, I will not read
20 it here.

21 The newly-elected council is telling us they do
22 not want risks associated with any potential discharge
23 of effluent into Deer Creek but are willing to accept
24 the risks associated with boring under Cypress Creek and
25 installing a pipeline carrying raw sewage under the

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1 creek. Think about that. Boring the creek and carrying
2 raw sewage to the other side is unconscionable and sets
3 a terrible precedent.

4 What do you think the response would be if the
5 idea was proposed to bore under Barton Springs, Comal
6 Springs, or the San Marcos River? You're right, there
7 would be outrage. So I ask why does this newly-elected
8 council feel it is okay to bore under our creek?

9 Now let's talk about the finances. We have been
10 told the proposed change of scope is less expensive than
11 continuing with the original plan. As we have all seen,
12 that is not the case. In addition, the proposed plan
13 loses the Economic Development Administration grant of
14 1 million dollars, the Way Family Foundation grant of a
15 million dollars, and the Texas Water Development Board
16 green debt forgiveness grant of 245,000.

17 In addition, the mayor and mayor pro tempore
18 declined out of hand an offer by Friends of Blue Hole to
19 fundraise an additional \$250,000 to fund alternatives to
20 a no-discharge solution, which was alluded to by David
21 Baker, previous speaker.

22 That's a total of two and a half million dollars
23 in grants, free money, given up under this change of
24 scope.

25 As I've said many times in the past, the city

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1 has TCEQ's gold standard permit in hand, and it has a
2 completely engineered, funded, affordable, and
3 environmentally responsible plan approved by many city
4 councils, the Water Development Board, TCEQ,
5 professional financial bond counsel, professional
6 financial analysts, professional rate analysts, and city
7 engineer and many stakeholder groups.

8 I say, again, let's stop this change of scope
9 and move forward together. Remember, even the mayor
10 acknowledges most of our citizens do not want this Aqua
11 Texas option.

12 UNIDENTIFIED SPEAKER: That's right.

13 STEVE THURBER: And our Blue Hole is not for
14 sale to the lowest builder -- bidder.

15 MAYOR JAGGERS: Mr. Thurber, was there a
16 question there? Otherwise, we'll go to -- we will only
17 have time for a couple more people before I close.
18 (Inaudible.) Who are the last two? Two more people.
19 That's it.

20 JO KATHRYN QUINN: I'm Jo Kathryn Quinn, and I
21 am a resident of -- who resides in Paradise Hills, and I
22 have so since 2000.

23 And I would like to go on record opposing the
24 change of scope for the wastewater treatment plant. And
25 I would like to also register my outrage at the way this

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1 public hearing has been conducted. It is an affront to
2 the citizens of Wimberley as well as the abrupt
3 about-face that the council took after the election.

4 You have not acted in good faith, and it has
5 caused lots of distrust in this community. And so this
6 proposed change that you have presented tonight is very
7 hard for any of us to believe anything about the
8 presentation because it has not been presented with
9 trust. The citizens of Wimberley deserve better.

10 Under the guise of the election and many
11 statements that have been made that the majority elected
12 the current city council, I would just like to remind
13 everyone on the record that the people who were elected
14 to council in the last cycle were elected under a false
15 pretense because many of the current city council
16 members and the mayor stated in many different settings
17 that they would not put Aqua Texas on the table, which
18 is exactly what you did. I'm opposed to this change of
19 scope.

20 MAYOR JAGGERS: All right, folks, because we've
21 been delaying with all the clapping, we're gonna extend
22 it past the two hours a little bit. And we'll go to the
23 next two people.

24 COUNCILMAN BARCHFELD: Alice Wightmen.

25 MAYOR JAGGERS: Alice Wightmen. Ms. Wightmen?

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1 COUNCILMAN BARCHFELD: And Suzanne White?

2 MAYOR JAGGERS: Suzanne White?

3 COUNCILMAN BARCHFELD: Or While.

4 MAYOR JAGGERS: While. Be ready. We need
5 Suzanne --

6 ALICE WIGHTMEN: My name is Alice Wightmen. Can
7 you all hear me?

8 I've lived in Wimberley for 10 years, until the
9 flood in May of 2015. I attended every single hearing,
10 meeting--it didn't matter what it was, the (inaudible)
11 report meeting--on the wastewater treatment plant
12 because I lived on the river. And I still own property
13 within the city limits on the river, some 200 feet front
14 on the river. So I was very concerned about what would
15 happen should there be any discharge. And there's some
16 things that really I think we need reminding of.

17 And one of them is we had three huge town hall
18 meetings with Don Ferguson presiding. And all the
19 comments that were there -- though I didn't monitor the
20 legislature, so I -- I've attended hundreds of hearings.

21 When I heard the comments of people who spoke at
22 those three large town hall meetings, the overwhelming
23 response was "no discharge." Nobody said, yes,
24 discharge into the river. There might have been some
25 suggestion that, you know, if you have to do it, you

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1 have to do it. But pretty much the public comments
2 were, no discharge into the river and use the cheap- --
3 use the least expensive option, you know, if you go
4 forward on this.

5 There was another point that came up later, and
6 that is that the central waste -- central Wimberley
7 Wastewater Stakeholders' Committee made recommendations
8 November 20th of 2013. And for all of you who say, why
9 are we going with Aqua Texas? Well, this stakeholders'
10 committee reviewed multiple options, including
11 discharge, no discharge, Aqua Texas, and one of their
12 recommendations was as follows: In the event the
13 construction costs for city treatment and these systems
14 exceed the engineer's estimate, including contingency
15 relocation of plant within the Blue Hole and Winter's
16 Mill reuses line, by more than 10 percent, and the
17 existing costs right now are well above 10 percent. And
18 it may even be as much as a hundred percent. I haven't
19 been following it as closely since the flood.

20 But it says, if in the event these costs are
21 more than 50 percent of the estimate, then the city
22 shall negotiate with Aqua Texas to send the plan to have
23 the effluent for wholesale treatment.

24 So for all of you who say, why are we dealing
25 with Aqua Texas, this was the recommendation of the

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1 stakeholders' committee that was created specifically to
2 look at this and to look at all the options. And so
3 it's their recommendation.

4 The fact that the cost has gone up well beyond
5 what anybody could have imagined--and nobody imagined it
6 being this much--then I think we have an obligation to
7 consider what they had -- what they had to say about
8 this because they were involved in it, they listened to
9 it I don't know how many months if not years.

10 So that's -- that's why Aqua Texas is still on
11 the table and ought to be on the table.

12 The other thing is that in all of this, we
13 have -- there's considerable environmental degradation
14 that would come with discharge. First of all, nobody
15 really wanted the discharge. They proceeded with the
16 discharge, and now when we're faced with it, we have to
17 see that the water quality parameters for the proposed
18 city-owned wastewater treatment plant, well, those water
19 quality parameters are much poorer than the existing
20 quality of the Blanco River.

21 So even though they were negotiated and even
22 though they were approved, they still degrade the
23 quality of the Blanco River. And there are
24 possibilities, very real possibilities that discharge in
25 the river will contaminate wells that are not next to

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1 the river because of all the fractures and the geology
2 of this area. So --

3 MAYOR JAGGERS: Ma'am, I'm sorry, but your time
4 is up.

5 ALICE WIGHTMAN: Thank you very much for --

6 MAYOR JAGGERS: Thank you.

7 ALICE WIGHTMAN: -- for -- I just want to
8 support the change in scope. Thank you.

9 MAYOR JAGGERS: Thank you. Ms. White?

10 SUZANNE WHITE: Good evening, and thank you for
11 the opportunity to speak tonight. My name is Suzanne
12 White. I've been a Wimberley citizen since July of
13 1994. That's 24 and a half years. Most of those years,
14 when I was still employed, I worked in Austin, part of
15 which was at the -- what is now the TCEQ. Is that it?

16 It was -- I was part of a team that merged the
17 Water Commission with the Air Control Board back in the
18 early '90s to consolidate into this train wreck, into
19 TNRCC.

20 And I've got to say, I worked with some of the
21 most professional environmentalists and some of the best
22 people ever in my career, working with those folks. I
23 would never disparage their professionalism in what they
24 do.

25 In addition to that, I started the Alternative

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1 Ed Program here in Wimberley at the Wimberley High
2 School, worked there for a year, and I also helped start
3 the Katherine Anne Porter School. That's -- I've had a
4 very varied career.

5 With that being said, I've got to say, I am
6 strongly opposed to the project changes and agree the
7 original plan was much more advantageous to both the
8 Wimberley system and the environment.

9 I do not want the proposed changes. I do not
10 want the notorious Aqua Texas to provide service. I do
11 not want sewage pipe under Cypress Creek, but I do want
12 treated, recycled water available for the park by the
13 Blue Hole as the original plan provided.

14 Once again, I am strongly opposed to the
15 revisions proposed and believe the original plan was
16 ever so much more better and well researched and
17 collaborated upon over many years, not just sort of
18 arbitrarily changed. Thank you and good night.

19 MAYOR JAGGERS: Thank you, ma'am.

20 The public meeting is gonna be coming to a
21 close, but a couple of things still to be said.

22 We've talked about the environmental
23 responsibility and how we -- the new plan is a moving --
24 okay, the plan as in general as a whole from the very
25 beginning, it was a moving target. We worked and made

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1 solutions with the best information we had at the time.
2 And as more information became available, it should have
3 been disclosed without biasness to the citizens.

4 More information is coming at this point. The
5 plan, if we had one, would be much a lot more expensive
6 to operate. We would be charging the users and the city
7 more subsidy to operate these plants.

8 The environment, we would always have a
9 potential for discharge possibility with the plant and
10 especially as it grows. We don't have the land for
11 disbursement and engagement.

12 All your comments are noted. If you have a
13 continuum, you will have ten days from today to submit
14 your other written information, and we will forward that
15 on with the report, and the report as a whole will be
16 available online.

17 UNIDENTIFIED SPEAKER: The (inaudible) board
18 says that if we need to have a second public hearing so
19 that we can hear all of us.

20 MAYOR JAGGERS: Actually, they did not say that.
21 And this is for the Water Board.

22 UNIDENTIFIED SPEAKER: (Inaudible.) And I sent
23 you an email --

24 MAYOR JAGGERS: Yes.

25 UNIDENTIFIED SPEAKER: -- that says it --

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1 MAYOR JAGGERS: No.

2 UNIDENTIFIED SPEAKER: -- to let us speak. That
3 all members should be allowed to speak to which --

4 MAYOR JAGGERS: They said that your contribution
5 can be either verbal or in writing.

6 UNIDENTIFIED SPEAKER: No, that's your --

7 MAYOR JAGGERS: No. Okay, so we're gonna end
8 this part of the public hearing. It has gone over 20
9 minutes. And we're gonna take a 30-minute break. And
10 at 8:15 we will continue on with the town hall part.

11 (Public Hearing adjourned)

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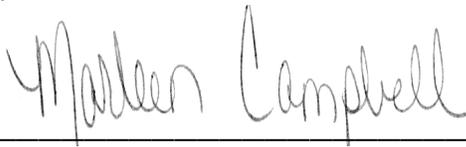
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1 CERTIFICATE

2
3 I, Marleen Campbell, a Certified Shorthand Reporter,
4 do hereby certify that the above and foregoing contains
5 a true and correct transcription of all portions of the
6 above-referenced Public Hearing to be included in the
7 transcript of said Public Hearing, and were reported by
8 me to the best of my ability.

9 IN WITNESS HEREOF, I have hereunto set my
10 hand this 23rd day of January, 2019.

11 
12 _____

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