

**City of Wimberley**  
City Hall  
221 Stillwater  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
February 16, 2012 at 6:00 p.m.

City Council meeting called to order at 6:02 p.m. by Mayor Bob Flocke.

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

Councilmembers Present: Mayor Bob Flocke and Councilmembers Tom Talcott, Mac McCullough (arrived at 6:14 p.m.), Matt Meeks, Steve Thurber, and John White.

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

### **Proclamation**

Proclamation recognizing efforts to preserve and protect soil and proclaiming Friday, March 9, 2012 as "Dirt Day"

Cissy Yates accepted the proclamation and provided information on upcoming events and activities promoting soil awareness and conservation, including a special screening of *Dirt! The Movie* at the Corral Theater.

### **Citizens Communications**

No citizen comments were heard.

#### **1. Consent Agenda**

- A. Approval of the minutes of the Regular City Council meeting of February 2, 2012
- B. Approval of the minutes of the Special City Council meeting of February 6, 2012
- C. Approval of the January 2012 City of Wimberley Financial Statements

Councilmember Thurber moved to approve Consent Agenda Items 1B and 1C, as presented, and Consent Agenda Item 1A, as corrected per staff recommendation (item numbering on page 9). Councilmember Meeks seconded. Motion carried on a vote of 4-0.

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

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

City Administrator Ferguson reported on nearly completed Phase II construction, including recent rain delays, work on pavilion/recreation areas, and amphitheater roof. He anticipated completion in early May 2012.

- Status report on the Las Flores Traffic Project

City Administrator Ferguson reported that work will begin in the next three (3) weeks to reopen Las Flores Drive and provided specific construction details, including re-establishment of traffic patterns and associated signage. Full redesign will occur later in the year subject to available funding.

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

City Administrator Ferguson reported no significant issues and noted that progress is being made on excessive water flows into the plant. He commented favorably on Severn Trent's management of plant operations.

- Status report on recent storm damage

City Administrator Ferguson reported on the recent rapid rise of Cypress Creek due to heavy rainfall, with some deck damage at Blue Hole Regional Park. He noted that vegetation at the Park held up well and thanked surrounding property owners for allowing access to address storm damage.

Councilmember McCullough joined the meeting at this time.

- Status report on efforts to change the designation of the City-owned test well located on the site of the Blue Hole Regional Park

City Administrator Ferguson explained the need for re-designation of the test well in order to proceed with plans to provide supplemental fire protection at the Park. He noted that discussions with Guadalupe Blanco River Authority (GBRA) are continuing on this matter and anticipated GBRA action in March.

- Status report on the scheduling of joint workshops with the Planning and Zoning Commission

City Administrator Ferguson anticipated scheduling two (2) workshops within the next six (6) months in order for Council to provide direction to the Commission in its efforts toward developing a downtown master plan and reviewing the City's Subdivision Code.

### **3. Presentation**

Presentation by the director of the Texas River Systems Institute regarding the Desired Future Condition (DFC) set by Groundwater Management Area 9 (GMA 9) for the Trinity Aquifer. (*Andy Sansom*)

This item was heard after Agenda Item 4.

Texas River Systems Institute Director Andy Sansom presented information on area water needs from various perspectives. He addressed issues such as long-term regional growth, aquifer depletion, flow statistics, past/current drought periods, existing/future wells, roles of agencies such as the Texas Water Development Board (TWDB) and Hays Trinity Groundwater Conservation District (HTGCD), current recommended Desired Future Condition (DFC), impact of lack of water on property values/tax revenues, and the importance of managing spring and surface flows.

Discussion addressed the advisability of determining specific drawdown numbers versus advocating special protected areas (such as Cypress Creek and Jacob's Well) and using adaptive management strategies. Other topics of discussion included conservation, acceptable drawdown levels, boundaries of Groundwater Management Area 9, and representation of municipalities' interests.

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

Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas approving an application for a conditional use permit submitted by Pat Herring to permit the construction and use of a secondary residential structure on a 2.67 acre tract located at 212 River Bluff, Wimberley, Hays County, Texas, zoned Rural Residential 1 (R-1); and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Pat Herring, Applicant*)

This item was heard after Agenda Item 2.

Councilmember Thurber recused himself from the meeting at this time.

City Administrator Ferguson reviewed the subject property's location and current/proposed zoning and uses. He advised that no structures currently exist on the property. If the CUP is approved, the applicant plans to construct and temporarily reside in a secondary residence to be used as a guest house, pending construction of the family's primary residence. He reported that none of those inquiring about the CUP request expressed any comments in support or opposition. Because the secondary residence is to be constructed first, the Planning and Zoning Commission recommended approval with the following condition, in the event that the primary residence is not built: "The secondary residential structure shall have a minimum floor area of 1,000 square feet, rather than 600 square feet." Planning and Zoning Commission Vice Chair Tom Haley reiterated that the Commission had no concerns with the requested CUP and unanimously recommended approval, including the previously stated condition.

Mayor Flocke opened the public hearing.

Hearing no comments, Mayor Flocke closed the public hearing.

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

Councilmember Thurber rejoined the meeting at this time.

## **5. Resolution**

Resolution of the City Council of the City of Wimberley, Texas, authorizing the application of Mariposa Ranch Road 12, L.P., a Texas Limited Partnership, to the Texas Department of Housing and Community Affairs for housing tax credits and HOME funds for the development of multi-family residential housing with a target population for adults 55 years of age and over on an 8.571 acre tract located at 14400 Ranch Road 12, Wimberley, Hays County, Texas. (*City Administrator*)

This item was heard after Agenda Item 7A.

City Administrator Ferguson explained that a resolution showing community support for the project is needed in order for Mariposa Ranch Road 12, L.P. to apply for tax credits through the Housing Tax Credit Program with the Texas Department of Housing and Community Affairs. He provided details on the proposed project, including number/types of units, amenities, and utilities. After award of tax credits, it was noted that the developer will have to comply with the City's permitting processes for building and site development.

Stuart Shaw of Bonner Carrington distributed handouts on the proposed apartment community for adults aged 55 and over, which he stated would be thoughtfully designed and aesthetically pleasing. He provided detailed information on unit square footages, utilities, water usage, eligibility/income requirements for rent-restricted units, amenities, impervious cover, and design standards. He reiterated his company's vision statement and spoke favorably of similar projects such as Mariposa Hunter Road in San Marcos.

Discussion addressed the community's need for the proposed apartment homes, water usage, utilities, unit floor plans, rental rates, and leasing criteria.

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

## **6. Ordinances**

- A. Consider approval of an ordinance amending Title III (Administration), Chapter 30 (City Government) of the City of Wimberley's Code of Ordinances to amend Section 30.06 (Quorum) to revise the quorum requirement for meetings at which the imposition of an ad valorem tax will be discussed; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*Code Review Task Force*)

City Administrator Ferguson explained the proposed amendment and Code Review Task Force Chair Steve White advised that the Task Force's recommendation for approval was unanimous.

Councilmember Thurber moved to approve the item, as presented. Councilmember Talcott seconded. Mayor Flocke felt that any action on imposition of an ad valorem tax would only be taken with all Council members present, whether or not the existing ordinance was amended to revise the quorum requirement. Councilmember McCullough did not favor the proposed amendment. Councilmember Thurber stressed that this item was brought forward by a citizens' advisory group, not by a member of City Council.

Motion carried on a vote of 5-0.

- B. Consider approval of an ordinance amending Title XV (Land Usage), Chapter 151 (Building Regulations; Construction) of the City of Wimberley's Code of Ordinances to create Section 151.100 (Temporary Structures) in order to prohibit the installation of temporary structures with certain exceptions; and providing findings of fact, a repealing clause, to provide a savings and severability clause, penalty and providing for an effective date. (*City Administrator*)

City Administrator Ferguson explained that the ordinance would prohibit temporary structures within the Village Center Overlay District and only be allowed on commercially zoned properties. He defined "temporary structures" as any structure, building, trailer, tent, or enclosure of any kind used for storage, commercial, or business purposes, which would require Council authorization before installation or construction. The ordinance establishes certain placement, design, and material requirements for temporary structures and allows for exceptions for structures used for special events authorized by City Council.

Discussion established that trailers (including uses such as food trailers) would be subject to requirements under the proposed ordinance.

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

- C. Consider approval of the first reading of an ordinance amending Ordinance No. 2007-003 in order to require the payment of professional fees incrementally throughout a development application process; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*Code Review Task Force*)

City Administrator Ferguson explained the reasoning for the proposed ordinance to help ensure complete payment of all professional fees incurred by the City, as well as to avoid the burden on the applicant to pay a lump sum upon approval of a subdivision. He advised that the Code Review Task Force unanimously recommended approval.

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

Code Review Task Force Chair Steve White reported on the Task Force's meeting schedule, progress throughout its review process, and anticipated completion in mid-April.

- D. Consider approval of the first reading of an ordinance amending Title III (Administration), Chapter 35 (Fee Schedule) of the City of Wimberley's Code of Ordinances to amend portions of Section 35.01 (Fee Schedule) to revise the application fees for a variance and copper foundation inspections and require the payment of professional fees incurred by the City to review such applications; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*Code Review Task Force*)

Because details of the proposed ordinance are being finalized, City Administrator Ferguson advised that this item will be continued until Council's next regular meeting on March 1, 2012. No vote was taken.

## **7. Discussion and Possible Action**

- A. Discuss and consider possible action regarding the Desired Future Condition (DFC) set by Groundwater Management Area 9 (GMA 9) for the Trinity Aquifer. (*Mayor Bob Flocke*)

This item was heard after Agenda Item 3.

Joe Day spoke on various regional planning groups and their ideological differences regarding management of water resources. He noted that there is a petition process to revisit the drawdown levels of aquifers and explained in detail the complex nature of the Trinity Aquifer, including upper, middle, and lower layers, as well as managed available groundwater (MAG) numbers.

Citizens Alliance for Responsible Development (CARD) representative Susan Zimmerman distributed and read a resolution supporting creation of a Specific Groundwater Management Area (SGMA) for Jacob's Well and calling for a revised DFC for western Hays County with no more than a five-foot aquifer decline. The full text of the resolution is attached to these minutes.

CARD Steering Committee member Jim McMeans explained the Committee's reasoning for arriving at the five-foot drawdown number mentioned in the resolution read earlier by Susan Zimmerman.

Discussion addressed various options for Council action, including stating a consensus position on a desired DFC, determining a specific drawdown number versus defining goals to protect water resources and economic interests.

Doug Wierman spoke on horizontal/vertical components of aquifers and the opportunity to promote conservation and support adoption of a groundwater management area that incorporates not only HTGCD, but invites counties and municipalities to look at issues holistically.

After brief discussion of Council options, Councilmember Talcott moved to draft a resolution or accept the CARD resolution, as presented earlier by Susan Zimmerman.

Discussion among Council, HTGCD President Jimmy Skipton, Wimberley Water Supply Corporation General Manager Garrett Allen, and Joe Day addressed designation/boundaries of a SGMA; advisability of specifying a drawdown level (in number of feet); impact on water suppliers, if drawdown limits were specified; economic effects; voluntary versus mandatory conservation measures; consensus on need for conservation/education; effective way(s) to meet goal of preserving flows; concerns related to determining SGMA boundaries; monitoring DFC progress; and tapping alternate water sources (such as the lower Trinity Aquifer).

Spicewood resident Larry Hoffman spoke of his experience dealing with Edwards Aquifer water issues/water resources. He felt that a DFC expressed as a certain drawdown level is meaningless because "it does not tell you how much water you need or can get at that level." He favored expressing DFC as the number of "acre feet" of water needed to meet future expected demands. He stated the importance of sustainable management as part of planning efforts and expressed concerns regarding aquifer discharge rates exceeding recharge rates, as well as water resource management, allocation, and monitoring.

Discussion continued about the consequences of naming a specific drawdown level and use of adaptive management strategies to monitor progress toward meeting DFC requirements and the ability to make adjustments over time. Problems were cited with creation of long-term strategies, difficulties associated with measuring aquifer levels, and differing preferred drawdown levels among area entities. General agreement was reached to use the CARD resolution as a starting point for Council discussion and action on this issue.

Mayor Flocke called a recess at 7:41 p.m.

Mayor Flocke reconvened at 7:50 p.m.

Mayor Flocke recommended that Council (in cooperation with other area municipalities/entities) support creation of a SGMA, without inclusion of a specific drawdown level. Discussion addressed inclusion/exclusion of a drawdown level (number/range of feet), with the use of an adaptive management strategy that would allow for fluctuation as needs dictate over time, and establishment of benchmarks based on various methods.

Scott Johnson spoke on using the phrase "Keep Cypress Creek Clean, Clear and Flowing," which was coined by a Texas River Systems Institute stakeholder group.

Councilmember Thurber moved to authorize staff to use CARD's resolution and tonight's discussion as guidelines for drafting a resolution in support of establishment of a SGMA utilizing an adaptive management strategy and incorporating the aforementioned phrase "Keep Cypress Creek Clean, Clear and Flowing" as expressed earlier by Scott Johnson. Councilmember Talcott seconded. Councilmember McCullough inquired about determination of an eventual benchmark figure as part of the proposed adaptive management strategy. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action relating to the annual performance review of the city administrator. (*Mayor Bob Flocke*)

This item was heard after Agenda Item 6D.

Councilmember Thurber moved to continue this item until Council's next regular meeting on March 1, 2012. Councilmember McCullough seconded. Motion carried on a vote of 5-0.

Councilmember Talcott commented on using a form for next year's evaluation.

### 8. City Council Reports

- Announcements
- Future Agenda Items

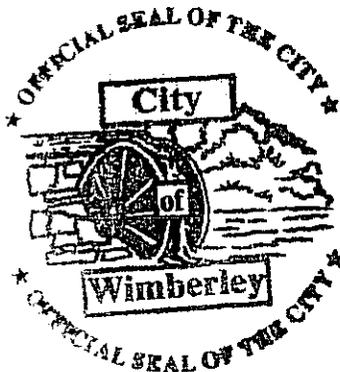
Hearing no announcements or future agenda items, Mayor Flocke called the meeting adjourned.

**Adjournment:** Council meeting adjourned at 8:47 p.m.

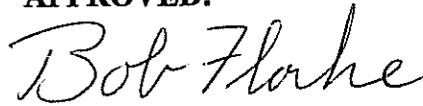
Recorded by:

  
Cara McPartland

These minutes approved on the 1<sup>st</sup> of March, 2012.



**APPROVED:**



**Bob Flocke, Mayor**

CITIZENS ALLIANCE FOR RESPONSIBLE DEVELOPMENT  
PO BOX 2905  
WIMBERLEY, TX 78676

## **A RESOLUTION**

### **SUPPORTING THE CREATION OF A SPECIFIC GROUNDWATER MANAGEMENT AREA FOR JACOBS WELL**

**WHEREAS**, the Groundwater Management Area 9 adopted a Desired Future Condition (DFC) for the Trinity Aquifer that authorizes an average thirty-foot decline in the aquifer over the next fifty years, and;  
**WHEREAS**, the Citizens Alliance for Responsible Development (CARD), a citizens group in western Hays County, circulated a petition calling for a revised DFC for western Hays County with no more than a five-foot aquifer decline, and;

**WHEREAS**, the CARD petition was signed by over 600 citizens of Hays County and was presented to the directors of the Hays Trinity Groundwater Conservation District (HTGCD), and the Hays County Commissioners Court and;

**WHEREAS**, CARD and many citizens of western Hays County believe that a thirty-foot decline of the Trinity Aquifer would cause widespread failure of private water wells, severe reduction of spring flows that feed area creeks and rivers, a reduction in property values resulting from lack of available groundwater, and a general decline of the area economy which is heavily dependent on tourism, and;

**WHEREAS**, the Wimberley Valley Watershed Association (WVWA) has filed an appeal of the thirty-foot DFC with the Texas Water Development Board (TWDB);

**WHEREAS**, Jacobs Well, a Trinity Aquifer spring that sources Cypress Creek, and Blue Hole are public treasures and Texas water jewels, and;

**WHEREAS**, Jacobs Well, Cypress Creek, and Blue Hole are in danger of drying up under the DFC, and;

**WHEREAS**, the WVWA understands the TWDB Staff appeal defense recommends that the local HTGCD can better address specific local issues through its management plan, rules, and site specific information , and;

**WHEREAS**, the HTGCD will need to create a **Specific Groundwater Management Area (SGMA) for Jacobs Well**, and;

**NOW, THEREFORE BE IT RESOLVED** BY OFFICIAL RESOLUTION OF THE STEERING COMMITTEE OF THE CITIZENS ALLIANCE FOR RESPONSIBLE DEVELOPMENT ON FEBRUARY 15, 2012, THAT;

1. CARD and over 600 citizens of western Hays County continue to support the appeal of the thirty-foot DFC by the WVWA, and;
2. CARD supports the WVWA continuing effort to reconsider the DFC and offer a **Specific Groundwater Management Area for Jacobs Well** as a necessary action;
3. CARD urges municipalities, governmental entities, and individuals to support the **Jacobs Well SGMA** and avoid a calamity to the prosperity of Wimberley, Woodcreek, and surrounding areas in Hays County.

**STEERING COMMITTEE OF THE CITIZENS ALLIANCE FOR RESPONSIBLE DEVELOPMENT:**

James R. McMeans, Chair; Louis Parks, Vice Chair; Linda Kaye Rogers, Treasurer; Cynthia Marion, Secretary; Larry Calvert; Susan Cook; David Glenn; Jack Hollon; Barbara Hopson; Dorothy Knight; Linda Lang; Christine Middleton; Rusty Middleton; Roberta Shoemaker-Beal; Herb Smith; Frank Sullivan; Pam Sullivan; Alice Wightman; Donna Williams; Susan Zimmerman