

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
March 20, 2014 at 6:00 p.m.

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

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

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

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

Citizens Communications

Mike Williams distributed handouts to Council and spoke as representative for approximately forty (40) property owners living along the existing Pedernales Electric Cooperative (PEC) transmission line from the FM 32 substation to the Wimberley substation. He expressed concerns regarding the proposed upgrade of the transmission line and provided information on communications among PEC representatives and affected property owners. He stated that PEC has not scheduled any public meetings to date on the proposed upgrade. Mr. Williams directed Council's attention to handouts depicting the type of utility poles planned for the upgrade project, a 2007 map of alternate routes for specific lines, and a collection of correspondence from PEC to property owners from 2004 and copies of prior requests to Wimberley City Council and Planning and Zoning Commission to initiate regulations of overhead infrastructure. He said the letters exemplify how PEC has refused to include the community, unless forced to do so. He also noted information provided on magnetic fields that would accompany the proposed transmission line, as some property owners would be living directly beneath the line.

Mr. Williams provided a general account of events, including path of the proposed line, PEC's past and present communications with property owners, and concerns relating to the project's design/materials and notification procedures. He asked for the City's help to request that PEC possibly use two (2) smaller transmission lines (identified on his map handout) that would have a much lesser impact on the character of the Wimberley Valley. Mr. Williams felt that property owners who have lived with transmission lines on their properties since 1968 have sacrificed enough for the good of the community such as decreased property values, unsightly poles/cables, and the clear cutting of their properties without notification. He asked that Council request that a public meeting be held in lieu of PEC's planned presentation to Council next month. He questioned PEC's transparency and asked whether the City's Planning and Zoning Commission could review current regulations on overhead power lines and consider alternate feeds to the Wimberley substation. He favored a grid system as more reliable than a single power feed to

Wimberley. He closed by asking that Council act to assist its constituents in protecting their property rights and way of life.

Kathryn Eoff expressed concerns relating to her property's wildlife exemption, which is focused on small wildlife and birds. She feared that the peace and quiet on her 228 acre-property will be disturbed by the north-south power line planned to run along Pierce Creek. She cited the negative impact on wildlife that could occur due to construction and associated noise

Charles Groenke stated that before he built his house, PEC assured him that the power lines running across his property would not be changed. He was concerned that the proposed upgrade will have a drastic negative effect his property value.

Leveritts Loop resident Dale Joy spoke of prior communications with PEC regarding a survey done years ago, which he felt indicated future construction of a large structure. Mr. Joy requested that PEC build an aesthetically pleasing structure, acknowledged the need for a reliable power source, and hoped that Council will help with the process of acquiring public input.

Nan Perkins spoke on the proposed power lines location across the street from her property and need for better communication with PEC. She asked that Council facilitate communications among PEC representatives and affected property owners who want to provide input on the project.

Frank "Butch" Watts, Jr. spoke of his personal history of community service as a lifelong Wimberley resident, expressed concerns regarding placement of the lines directly over his house, and feared drastic reduction of the value of his entire property. He said the proposed upgrade would have a devastating effect on his family and asked for consideration of alternative routes.

City Administrator Ferguson advised that he will provide an update on communications with PEC regarding the upgrade project during Agenda Item No. 2 (City Administrator Report).

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of March 6, 2014
- B. Approval of February 2014 Financial Statements for the City of Wimberley

Councilmember Thurber pulled Consent Agenda Item 1A.

Councilmember Thurber moved to approve Consent Agenda Item 1B, as presented. Councilmember McCullough seconded. Motion carried on a vote of 5-0.

Councilmember Thurber noted that the minutes incorrectly identified the *Wimberley View's* Dalton Sweat as new owner of the *View*. Mr. Sweat clarified that he is not the owner. Councilmember Thurber moved to approve the minutes, as corrected. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

2. City Administrator Report

Before reporting on the following items, City Administrator Ferguson responded to concerns expressed during earlier Citizens Communications by providing an update on latest discussions with PEC, particularly on a suitable time and place for public meeting(s). He advised that an offer was made to PEC for use of the Wimberley Community Center and PEC was requested to present an update to Council at its April 3rd meeting. He also asked PEC to meet with concerned citizens/property owners before April 3rd and offered the use of City Hall for such a meeting. He stressed that the City is not ignoring citizen concerns and strongly encouraged attendance at Council's April 3rd meeting. There was brief discussion of the formal notification process associated with modifications of PEC's Certificate of Convenience and Necessity (CCN).

- Status report on the implementation of *The Bed and Breakfast/Vacation Rental Facility Validation Project*

City Administrator Ferguson reported on results of significant research identifying possible unauthorized facilities and upcoming efforts to notify and bring into compliance such facilities, including letters to applicable property owners on steps needed to bring their facilities into compliance and to meet permitting requirements.

- Status report on drought conditions in the Wimberley Valley

City Administrator Ferguson that a report will be given on drought conditions at Council's next meeting.

- Status report on the relocation of the portable restroom trailer on the Wimberley Square

City Administrator Ferguson reported that the trailer has been moved to its new location on the west side of the Garden Gate shops behind Bent Tree Gallery. He noted significant use of the facility over the past weekend and minor power issues. He stated that an agreement is being finalized with the adjacent property owner relating to utilities.

- Status report on sales tax collections for the City of Wimberley

City Administrator Ferguson reported that the City's sales tax check (representing January collections) totaled \$37,110, which is up from \$36,200 from the same period last year. He noted that the City's next sales tax check should reflect the impact of Ace Hardware's re-opening for business.

In addition, City Administrator Ferguson noted drainage-related construction work in progress at the end of Blue Heron Drive.

Mayor Pro-tem White called a brief recess at 6:30 p.m. and reconvened the meeting at 6:32 p.m.

3. Presentation

Presentation of a status report by representatives of Alan Plummer Associates, Inc. regarding the planning and design of a central Wimberley Wastewater System. (*City Administrator*)

Plummer representative Steve Coonan presented information on updates to the Engineering Feasibility Report and the Environmental Information Document (EID), incorporation of stakeholder committee recommendations, and publication/public notification procedures. He noted the timeframe for the discharge permit application and surveying processes. Mr. Coonan stated that design work will not begin until after the EID public hearing has been held and clearance has been received from the Texas Water Development Board, which he anticipated to take several months.

Discussion addressed specific permit application deadlines, approximate permitting process timeframe, surveying work currently underway, design of effluent disposal, and system connection options.

4. Resolutions

- A. Consider approval of a resolution of the City of Wimberley, Texas, providing for the use of public funds to dredge portions of the Blanco River, Cypress Creek, and Pierce Creek to offset the effects of the October 31, 2013 floods. (*City Administrator*)

Councilmember Meeks recused himself from the meeting at this time.

City Administrator Ferguson detailed specific sites in need of dredging to offset flooding effects and associated costs. He explained that flood-related gravel deposits have redefined the flood plain and that when permitting development, the City must rely on mapping information that no longer accurately reflects post-flood elevations. He noted that FEMA has offered assistance for certain locations that meet its criteria for publicly maintained infrastructure projects. He cited specific amounts of debris deposits (in cubic yards), removal costs at four (4) identified critical locations, and permits needed for debris removal projects.

City Administrator Ferguson identified the following four (4) locations as priorities: Pierce Creek at Climbing Way; confluence of the Blanco River and Cypress Creek; and two (2) "islands" created on Cypress Creek (upstream from its confluence with the Blanco River). He recommended that Council approve the subject resolution in order to proceed with removal of debris deposits at the four (4) aforementioned locations and noted possible reimbursements/future funding to the City from other governmental entities such as FEMA and NRCS.

Discussion clarified the four (4) locations cited by City Administrator Ferguson, contracting/timeframe for culvert clean-out work, status of signage repair by Hays County, potential funding sources/match requirements, and City's portion of project costs.

Councilmember Thurber moved to approve the resolution, as presented, which includes use of public funds in an amount not to exceed \$50,000 to remove flood-related deposits in the four (4) locations, as identified earlier by City Administrator Ferguson. Councilmember McCullough seconded. Motion carried on a vote of 4-0.

Councilmember Meeks returned to the meeting at this time.

- B. Consider approval of a resolution of the City Council of the City of Wimberley, Texas, supporting the proposed amendment of the Fiscal Year 2013-2016 Capital Area Metropolitan Planning Organization (CAMPO) Transportation Improvement Plan (TIP) to include funding in the amount \$550,350 for the acquisition of right-of-way needed for the RM 12 Parkway Project between RM 32 and SH 80. (*Transportation Advisory Board*)

City Administrator Ferguson highlighted CAMPO Chair Will Conley's efforts to secure additional funding for right-of-way acquisition and concurred with the City's Transportation Advisory Board's (TAB's) unanimous recommendation for approval of the resolution.

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

5. Discussion and Possible Action

- A. Discuss and consider possible action regarding a request for a Temporary Certificate of Occupancy to allow for the use of a newly constructed motel located at 400 River Road in Wimberley, Texas until such time as a decision is made on a pending request to amend the Wimberley Planned Development District (WPDD) for the referenced facility. (*City Administrator*)

City Administrator Ferguson explained that there are two (2) compliance issues relating to the existing WPDD that need to be resolved before the City can issue a Certificate of Occupancy (CO). He stated that the property owner chose to install a stucco finish on the front wall of the development and a gravel surface for the parking lot instead of the stone veneer wall finish and decomposed granite parking surface, as specified under the WPDD agreement. He advised that the property owner has submitted a request to amend the existing WPDD to reflect the aforementioned changes made during construction. The amendment is scheduled for consideration in mid-April, however, the property owner is seeking a Temporary Certificate of Occupancy (TCO) to allow for occupancy and use of the facility until such time as a decision is made on the proposed WPDD amendment. City Administrator Ferguson recommended the following conditions be placed on the TCO, should Council desire to approve the request:

1. Prior to occupancy of the Facility, evidence shall be presented to the City showing the subject development has passed the final building permit inspection required by the City.
2. The owner shall comply with whatever decision is made by the City Council on the requested amendments to the existing WPDD relating to the wall finish and parking surface. If that decision requires the owner make additional improvements, the

improvements shall be completed no later than thirty (30) days following the date of the City Council decision.

3. Failure to comply with whatever decision is made by the City Council on the subject WPDD amendments within the allotted time shall result in the revocation of the TCO and require the owner to immediately cease use of and un-occupy the Facility.

While certain minor revisions are allowed with administrative approval, City Administrator Ferguson explained that the modifications to items such as building materials require Council approval of a WPDD amendment.

Property owner Al Valera requested Council's assistance in order to allow for opening of the facility. He felt that the modifications to building materials for the wall and parking lot were better choices than those specified in the WPDD agreement. Mr. Valera stated that he is anxious to open the facility due to his significant capital investment and length of the zoning/development/construction process. Councilmember Talcott moved to approve issuance of the Temporary CO, as presented, including the abovementioned conditions, as recommended by City Administrator Ferguson. Councilmember Meeks seconded.

Discussion favored the property owner's choices of building materials for the wall and parking lot over the materials specified in the WPDD. Mayor Pro-tem White agreed and felt it unfortunate that cosmetic changes require the property owner to go through the WPDD amendment process.

Motion carried on a vote of 5-0.

- B. Discuss and consider possible action regarding a proposal to request the Texas Department of Transportation install deceleration and turn lanes on Ranch Road 12 where it intersects Wimberley Hills Drive, Spoke Hollow Road and Cypress Creek Lane. (*Transportation Advisory Board*)

City Administrator Ferguson concurred with the Transportation Advisory Board's recommendation to approve the proposed installation of turn and deceleration lanes on Ranch Road 12 in order to enhance safety at the subject intersections. He noted that the turn lane proposed for the intersection of Ranch Road 12 and Spoke Hollow Road is for southbound traffic turning left from Ranch Road 12 onto Spoke Hollow Road.

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

- C. Discuss and consider possible action authorizing the expenditure of City funds on the production and distribution of educational materials relating to the May 10, 2014 City of Wimberley Bond Election. (*City Administrator*)

City Administrator Ferguson asked for Council direction on the preparation and mailing of informational post cards on the bond election to all property owners in the City. He estimated the cost of the direct mailing to be \$2,500. He noted that the City's website will be updated

tomorrow to include bond election/proposition information. He reminded Council that public resources cannot be used to advocate a position on the bond issue and provided examples of compliant versus non-compliant scenarios.

Gail Pigg asked that a map be displayed on the City's website depicting limits and areas of the street improvement/drainage projects. She asked whether the drainage portion of the bond issue is related to the road resurfacing or other areas. She opposed the use of bond funds for gravel removal in waterways. She stated that when the City incorporated there was an understanding in the early years that \$200,000 would be spent yearly for road improvements. She asked for clarification on the amount of funds budgeted and expended for roads/streets for at least the past five (5) years. She questioned the City's prioritization of road projects, such as Mill Race Lane, and asked how much money the City has spent on legal fees related to improvements on Mill Race Lane and any other road projects. She asked whether money earmarked for roads was used to pay legal fees. Ms. Pigg said the public is interested in knowing the answers to these questions before voting on the bond issue. She did not favor a post card mail-out and felt that a public meeting at the Wimberley Community Center would be more effective.

Discussion addressed the effectiveness of post card mailings, alternatives to mailing (such as a website page and an informational public meeting), and publication of meeting notice(s) in local newspaper(s).

Consensus was reached to provide informational material on the bond election for publication in the local newspaper(s) and on the City's website. No vote was taken.

- D. Discuss and consider possible action regarding a proposal to modify the summer 2014 hours of operation for the swimming area at the Blue Hole Regional Park. (*City Administrator*)

City Administrator Ferguson explained reasoning for the current versus revised hours of operation and recommended the uniform daily opening time of 10 a.m. to help reduce confusion among the general public.

Councilmember Talcott moved to approve the modification of swimming area hours to the uniform opening time of 10 a.m., as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider possible action approving the proposed route for the 2014 Wimberley 4. (*City Administrator*)

City Administrator Ferguson recommended approval of the route, which is the same as that used for the event in previous years, and includes FM 2325, River Road, Wayside Drive, and Green Acres Drive. As the proposed route involves use of City right-of-way, he advised that Council approval of the route is required.

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

- F. Discuss and consider possible action on a proposal to place temporary directional signage in the City right-of-way for the 2014 Annual Wimberley Garden Club Tour. (*City Administrator*)

City Administrator Ferguson explained that Garden Club representatives are proposing to install small directional signage in the City's right-of-way at certain key locations to help those participating in the one-day tour to more easily find designated tour stops. He noted that the signage would be set out in the morning of the event and removed at the conclusion of the tour, if approved, and recommended approval.

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

6. City Council Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson reminded that a Joint Special City Council/Planning and Zoning Commission Workshop Meeting is scheduled for Thursday, March 27, 2014.

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

Adjournment: Council meeting adjourned at 7:34 p.m.

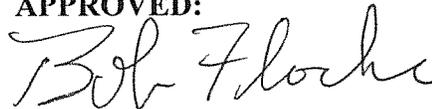
Recorded by:


Cara McPartland

These minutes approved on the 3rd of April, 2014.



APPROVED:



Bob Flocke, Mayor