

**City of Wimberley**  
 City Hall, 221 Stillwater  
 Wimberley, Texas 78676  
**Minutes of Special Meeting of City Council**  
 September 5, 2012 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Bob Flocke.

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

Wimberley Central Improvement Area Members Present: Bert Ray, Temple Wynne, Steve Klepfer, John David Carson, and Tim Fulfer.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland, and Bickerstaff Attorney Emily Rogers

**Workshop Session**

Discuss with members of the Wimberley Central Improvement Area (WCIA) issues relating to the possible development of a Municipal Management District (MMD)

Mayor Flocke outlined meeting procedures and introduced WCIA representative Steve Klepfer, who spoke on efforts to date to fully inform all applicable property owners of the feasibility study results. He updated Council on input received from notified property owners on specific issues.

Discussion addressed:

- Basis for water usage figures
- Problems with existing septic systems on the Square and inability to repair/replace aging, failing systems under current regulations
- Need for mandatory connection to secure financing
- Tax obligations for vacant properties
- Delaying mandatory connection for property owners with recently installed private septic systems
- One-time connection costs
- Properties without septic systems that use water only (for irrigation purposes), but do not need wastewater service
- As funding mechanisms, collection of city-wide property taxes versus collection of taxes on only those properties within the proposed MMD
- Comparison of potential costs/benefits to commercial and residential property owners
- Possible contribution from the City's sales tax revenues and other sources to help defray user costs
- Possible dual rate structure (for commercial and residential)
- Pursuit of grant funding

- Interest rates and length of financing term

City Administrator Ferguson provided details on procedures for creation of the MMD, expressed a preference for legislative approval, and the timeframe for obtaining such approval, including specific application deadlines related to MMD creation and financing. There was brief discussion of the differences in MMD creation process/timeframes through the legislature versus through the Texas Commission on Environmental Quality (TCEQ). Nelissa Heddin of Water Resources Management (WRM), the consulting firm commissioned by the City to complete the feasibility study, spoke on various financing/rate alternatives.

The following public comments were heard:

Wimberley RV Park and Mini Storage Manager Bill Wilson presented written correspondence from the owner of the RV Park in favor of signing up for WCIA's proposed Option No. 3 as a long-term solution. Mr. Wilson noted water usage at the park compared to other area sites and stated there is a waiting list for RV sites at the park with full sewer hook-up.

WRM's representative Nelissa Heddin provided reasoning for the RV park's high usage statistics and explained that feasibility study water usage figures were based on data from property owners' current water provider for the preceding 12-month period. Councilmember McCullough and WCIA representative John David Carson spoke on the number of Living Unit Equivalents (LUEs) assigned to certain properties within the proposed MMD.

Mary Kate Brown, resident of Hinson Drive, expressed concerns about taxation of residential property owners, including the effect of MMD creation on her property's appraised value and raises in her future tax obligations. She expressed fears over losing her property due to high tax bills caused by increases in appraisal value from surrounding commercial development. Discussion addressed Hays County Appraisal District's classification of properties according to type of use, recent sales of specific properties, and the City's procedures for zoning actions, including notification of surrounding property owners.

Deborah Koeck, owner of properties within the proposed MMD, expressed concerns regarding large-scale downtown development plans that she feared would raise her property taxes due to increased appraisal values. Discussion addressed these fears by clarifying that the City's efforts toward development of a downtown master plan to be used as a planning tool are intended to provide a vision to guide future development, protect residential areas, and preserve Wimberley's small town character, as detailed in the City's Comprehensive Plan. Ms. Koeck also expressed concerns over possible zoning changes and lack of notification relating to zoning of surrounding properties. She noted that her mailing address had changed and that the appraisal district's tax roll contained her previous address. Discussion clarified that notifications are sent to addresses as listed in the appraisal district's tax records. To allay Ms. Koeck's fears regarding zoning changes to her property, City Administrator Ferguson explained that pre-existing uses can continue, in the event there is a zoning change, and that there is no "taking" of real property due to zoning actions. It was stressed that the amount of debt to be financed is fixed, and that a property's tax rate may decrease, should its appraised value increase. The roles of certain entities involved in the setting of tax rates and appraisal values were also discussed.

Hearing no further public comments, discussion among WCIA representatives, Council, staff, and audience members addressed the following topics and concerns:

- Identification of sources of pollution along waterways
- Failing/inadequate septic systems as an obstacle to obtaining financing when properties change ownership
- Voting opportunities for property owners within the MMD, if created, and any potential tax rate adoption
- Current septic regulations relating to required amount of leach field acreage for effluent disposal and the effect of those regulations on smaller-acreage properties
- Recognizing the need to keep area waterways clean
- Authority of TCEQ and Hays Trinity Groundwater Conservation District (HTGCD) concerning registration of wells
- Adverse impact of failing downtown septic systems and possible resulting business closures on the community at large, tourism, and the local economy
- City-wide ad valorem tax as a financing mechanism compared to taxation of property owners within the proposed MMD
- Alternative financing options, including certain types of fees/surcharges
- Reasoning used to determine proposed MMD boundaries
- Wastewater system construction plans to be based on current capacity needs
- Connection costs for initial and future customers
- Comparison of costs/benefits for residential versus commercial customers
- Funding application/MMD creation deadlines
- Number of votes received from property owners within the proposed MMD and clarity of wording on form used to indicate voting selection
- Communicating with property owners within the proposed MMD to fully inform and educate each owner
- Personal contacts with affected property owners made by Councilmembers Talcott and Meeks
- Flexibility of the various options detailed in the feasibility study and the need to dispel public misconceptions that the options presented are unchanging
- Changing resolution language from “Central Business Area” to “Central Area”
- Lack of attendance at prior wastewater-related meetings

No action was taken.

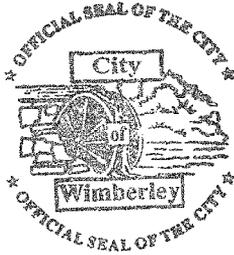
### **Adjourn**

Mayor Flocke called the meeting adjourned at 7:51 p.m.

Recorded by:

  
Cara McPartland

These minutes approved on the 20<sup>th</sup> of September, 2012.



**APPROVED:**

*Bob Flocke*

**Bob Flocke, Mayor**