

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
May 4, 2017 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Mac McCullough.

Councilmember White gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Mac McCullough, Councilmembers Bob Dussler, Craig Fore, Sally Trapp, Councilmember Barchfeld, and John White.

Staff Present: Assistant City Administrator/City Secretary Cara McPartland

### **Proclamation**

A proclamation of the City of Wimberley recognizing the Lupus Foundation of America and its Lone Star Chapter and proclaiming May 19, 2017 as *Put on Purple Day* in Wimberley, Texas.

Mayor McCullough read the proclamation and presented it to Angelica Garza of the Lupus Foundation, who spoke on behalf of those with lupus and thanked the City for its support.

### **Citizens Communications**

Mayor McCullough apologized for cancelling citizen communications at Council's last meeting, and stressed it was nothing personal, nor directed at anyone. He stated that Council did not know of his intent to cancel citizen communications.

Edward Davis of 3000 Flite Acres distributed a handout from Texas State University's River System Institute's Cypress Creek Project from 2010. He felt there are misunderstandings about E coli in Cypress Creek and said the most important thing is identifying E coli sources. He cited the handout, which he said shows more pollution from animals and asked why we are focused on septic systems as the source of E coli in the creek.

Judy Thompson questioned how the City will pay back a huge loan and said statements about "no property tax" are not true.

Louis Parks thanked Councilmember Dussler for his service and commended him for doing a hard job very well.

Mayor McCullough thanked Councilmember Dussler for his many meetings, hard work, and terrific attitude. He spoke of his respect for Councilmember Dussler and said he will miss him. Mayor McCullough also thanked Mrs. Margot Dussler for her support.

Former Mayor Steve Thurber thanked Councilmember Dussler for his service and hoped he will enjoy more leisure time in retirement.

## **1. Consent Agenda**

- A. Approval of minutes of the Regular City Council meeting of April 20, 2017
- B. Approval of minutes of the Special City Council meeting of April 17, 2017
- C. Approval of minutes of the First Special City Council meeting of April 19, 2017
- D. Approval of minutes of the Second Special City Council meeting of April 19, 2017
- E. Approval of minutes of the Special City Council meeting of April 24, 2017
- F. Approval of minutes of the Special City Council meeting of April 27, 2017
- G. Approval of the March 2017 Financial Statements for the City of Wimberley

Councilmember Trapp moved to approve all Consent Agenda Items, as presented, with the exception of Item 1G. Councilmember White noted corrections to the minutes of April 27, 2017 to accurately reflect Mayor Pro tem White as presiding officer, rather than Mayor McCullough. Councilmember Fore seconded. Motion carried on a vote of 5-0.

## **2. Mayor/ Assistant City Administrator / Park Manager Reports**

- Status report on the Central Wimberley Wastewater Project

Mayor McCullough reported a meeting was held this week with U.S. EDA officials regarding the City's \$1,000,000 grant.

In addition, Councilmember Dussler expressed his strong support for a city-owned, locally-controlled wastewater treatment plant. He believed it is the best solution for Wimberley. He said while bids came in higher than expected, there are several areas of significant savings that can reduce the cost. He noted the City's \$1,000,000 grant from U.S. EDA and the \$1,000,000 grant from the Way Family. He said additionally savings can be accomplished from re-bidding the connection fees to hook up each property and decommission the septic tanks. He stated this could save as much as \$500,000. He noted that Councilmember Fore has a great suggestion to use a pond to hold excess effluent in lieu of the 500,000 gallon storage tank. He said this could save approximately \$150,000 and offers the great benefit of ending the "discharge-no discharge" discussion. He said with these savings we can reduce the cost of the system perhaps below \$5,000,000, which should be an affordable option for Wimberley. He stated this system also honors our commitment to Blue Hole Park to provide irrigation for the park and soccer fields and would allow us to begin the final phase of landscaping. He noted the Park is a City-owned asset for Wimberley and the Hill Country, receiving numerous regional/national/international awards and is a profitable venture requiring no subsidy from the City. He said it helps subsidize other City activities. He noted that Park Manager Rebecca Manning and her team have been doing a great job of preparing the park for the summer season and have affordable swimming options this year. He was also strongly opposed to using Aqua Texas for the project and said he would spare the litany of reasons. He said it has been a disaster for Woodcreek and Kyle. He stated we have heard reports of the wonderful service by Aqua Texas customers north of the creek in Wimberley, although what does not get mentioned is multiple leakages of raw sewage in the high

school parking lot when class is both in and out of session. In addition, he said various Aqua Texas options offer no water or inadequate water for Blue Hole Park, neither of which options are satisfactory. He stated the Aqua Texas business model is to acquire small systems and to raise the rates on a regular and frequent basis. He noted the company recently announced another quarterly dividend to its shareholders and cited Aqua's announcement crediting its increased revenues and earnings to its business model calling for regular and frequent rate increases. He did not begrudge Aqua Texas for this business model, but said he would rather be a shareholder than a customer. He said Aqua is accountable to its shareholders. He stated in Wimberley we are also accountable to our shareholders, but they happen to be our citizens. He said our business model would be to keep costs and expenses low in order to provide affordable service to our citizens. He stated we do not need to make a profit, but only need to break even. He noted that this is his last City Council meeting and reflected on his campaign two years ago, which included a platform to support a city-owned wastewater system and oppose Aqua Texas. He said he has not wavered from that position and believed each of his votes was made for the best outcome for the citizens of Wimberley. He was honored to have served in this position and appreciated everyone's support and said "God bless the City of Wimberley – thank you very much."

- Status report Hidden Valley Low Water Crossing Reconstruction Project

Randy Myers of Myers Concrete Construction provided details on recent heavy rains that caused damage to certain construction equipment and project delay, but noted the project is back on schedule.

Mayor McCullough spoke on project "rain days" and effect on performance-based contract provisions.

- Status report on Blue Hole Regional Park operations

Park Manager Rebecca Manning reported on opening of the summer swimming season, operating dates/times, and reservations. She reported record attendance for two Concerts in the Park and receipt of \$1,700 in donations, Nature Camp registration, completion of the Park's new maintenance shop, and disposition of surplus/salvage/junk property. Discussion addressed pending electrical work needed for the maintenance shop and efforts to develop a food vendor policy for the Park.

- Status report on activities of the Technology Advisory Committee

Technology Advisory Committee Vice Chair Jerre Cope spoke of the Committee's efforts to review and analyze the City's website, possible use of social media, and needs related to email capacity and other areas of technology.

- Status report on reissuance of Request for Qualifications (RFQ) for grant administration services relating to the EDA grant awarded to the City to help fund wastewater system improvements

Assistant City Administrator McPartland reported on reissuance of the RFQ, number of responses to the reissued RFQs; and pending review and recommendation.

- Status Report on proposed senior housing development

Assistant City Administrator McPartland reported the Planning and Zoning Commission is scheduled to hold a public hearing on May 11, 2017 to be attended by the applicant, along with a team of representatives to answer questions and give a presentation on the proposed development. It was noted that the draft Wimberley Planned Development District (WPDD) agreement, including a concept plan, is available on the home page of the City's website.

- Status report on activities of the *Keep Wimberley Beautiful* Ranch Road 12 Roadside Park Improvement Project

Assistant City Administrator McPartland reported on a very generous donation from Ball Brothers Painting to paint the roadside park free of charge. She thanked John and Melissa Ball, and their employees, for this much appreciated donation to Keep Wimberley Beautiful.

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

Hold a public hearing and consider approval of an ordinance approving an application for a Conditional Use Permit submitted by Horace Wilson and Holly Hall to operate a vacation rental facility on property located at 904 Flite Acres Road, Wimberley, Hays County, Texas, zoned Rural Residential 1 (R-1); and imposing certain conditions; 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. (*Horace Wilson and Holly Hall, Applicants; this application has been withdrawn at applicants' request*)

This item was heard after Agenda Item 4B.

Mayor McCullough read a letter requesting withdrawal of the application from the applicant, Horace Wilson (*full text is attached to these minutes*).

Councilmember Fore moved to accept the applicant's withdrawal request. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

### **4. Discussion and Possible Action**

(A) Discuss and consider possible action regarding development of a proposed ordinance to amend the Zoning Code to allow accessory buildings, swimming pools, or other improvements on tracts that do not contain a primary residence. (*Assistant City Administrator*)

This item was heard after Agenda Item 3.

Assistant City Administrator McPartland explained an existing Code provision that does not allow accessory buildings on tracts that do not contain a primary residence, even if all of the subject tracts are under the same ownership. Because this Code provision would trigger the need to subdivide the property to consolidate lots at considerable cost to the property owner, and several other property owners have faced similar challenges, a Zoning Code amendment was explored as a possible solution.

Discussion addressed the property owner's option to request a variance versus amending the Zoning Code, difficulties in meeting criteria for granting a variance, rationale for original Code language on accessory buildings, and surveying costs.

Councilmember Trapp moved to approve development of a proposed ordinance to amend the Zoning Code to allow accessory buildings, swimming pools, or other improvements on tracts that do not contain a primary residence. Councilmember White offered a friendly amendment to add language that all of the subject tracts must be under the same ownership. Councilmember Trapp accepted Councilmember White's friendly amendment, which was approved on a vote of 5-0. Councilmember Trapp restated her original motion with the additional language that all subject tracts are under the same ownership. Councilmember White seconded. Motion carried on a vote of 5-0.

- (B) Discuss and consider possible action regarding development of a proposed ordinance to allow improvements to pre-existing, non-conforming structures on property located at 601 FM 2325, Wimberley, Texas. (*Assistant City Administrator*)

This item was heard after Agenda Item 2.

Lions Club Building and Facilities Manager John Stark explained that creation of "zones" will help provide fire breaks that would allow Market Days to make improvements to structures that would normally not comply with modern fire and safety codes. He hoped the City would consider creating specific standards for the Market Days property to allow improvements that would meet Code. Mayor McCullough favored this proposal as a good solution and the right thing to do.

Discussion addressed the need for this ordinance, fire extinguisher requirements, and input from the fire marshal to enhance fire safety.

Councilmember Trapp moved to proceed with development of the proposed ordinance. Councilmember White seconded. Motion carried on a vote of 5-0.

- (C) Discuss and consider possible action approving Change Order No. 1 to the City of Wimberley's Hidden Valley Low Water Crossing Reconstruction Project due to additional costs. (*Mayor Mac McCullough; Randy Myers, Myers Concrete Construction, LP*)

Mayor McCullough pulled this item for consideration by Council at a later date. No vote was taken.

- (D) Discuss and consider possible action regarding approval of an interlocal agreement with Hays County for floodplain administration services. (*Place Three Councilmember Sally Trapp*)

Assistant City Administrator McPartland explained the draft interlocal agreement is being finalized by Hays County and anticipated bringing it back to Council's next regular meeting. No action was taken.

- (E) Discuss and consider possible action regarding a proposal to reconsider the recent appointments to the Wastewater Impact Fee Advisory Committee. (*Place Four Councilmember Gary Barchfeld*)

Councilmember Barchfeld spoke on prior appointments and statutory membership requirements. He listed the current committee members: Rebecca Minnick, Barbara Latimer, Larry Catt, Ruth Mince, and Linda Kaye Rogers. He proposed removing Ms. Rogers and offered the following names as alternates: Zachery Adkisson, Mike Young, and Patricia Cantu Kelly. Discussion addressed qualifications of alternates. Councilmember White moved to replace Linda Kaye Rogers with Zachery Adkisson, and to name Mike Young and Patricia Cantu Kelly as alternates. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

- (F) Discuss and consider possible action on results of an analysis by Raftelis Financial Consultants on additional scenarios related to development of user charges for the proposed Central Wimberley Wastewater System. (*Place Two Councilmember Craig Fore*)

Councilmember Fore said given the current situation with the wastewater project he favored not moving forward with the analysis, which has not been paid for yet. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

## 5. City Council Reports

- Announcements
- Future Agenda Items

Mayor McCullough announced the Special meeting will start shortly after this meeting is adjourned.

Hearing no further announcements or future agenda items, Councilmember Trapp moved to adjourn Mayor McCullough called the meeting adjourned.

**Adjournment:** Council meeting adjourned at 7:30 p.m.

Recorded by:

*Cara McPartland*

Cara McPartland

These minutes approved on the 18<sup>th</sup> of May, 2017.

**APPROVED:**



**Mac McCullough, Mayor**

