

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
August 6, 2009 at 6:30 p.m.

City Council meeting called to order at 6:30 p.m. by Mayor Tom Haley.

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

Councilmembers Present: Mayor Haley and Councilmembers Charles Roccaforte, Bob Flocke, Bill Appleman, Steve Thurber, and John White.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland, and City Planner Abby Gillfillan.

Citizen Communications

Clint Frankmann felt that public sentiment favored budget cuts rather than increases. He commented on the City Marshal's vehicle as a symbol of excess and felt that law enforcement provided by Hays County Sheriff's Office sufficiently meets Wimberley's needs. He closed his remarks by speaking in favor of small government.

1. Consent Agenda

- A. Approval of minutes of the special City Council meeting of July 16, 2009.
- B. Approval of minutes of the regular City Council meeting of July 16, 2009.
- C. Approval of the appointment of Gail Pigg to the Wimberley Water Wastewater Advisory Board (*Place Three Councilmember Bill Appleman's nominee*).
- D. Approval of the appointment of Jeri Ross to the Wimberley Economic Development Commission (*Place Three Councilmember Bill Appleman's nominee*).
- E. Approval of the reappointment of Barry Tyler to the Wimberley Board of Adjustment (*Place Four Councilmember Steve Thurber's Nominee*).

Councilmember Thurber moved to approve all Consent Agenda items as presented. Councilmember Appleman seconded. Motion carried on a vote of 5-0.

2. City Administrator Report

- Status report on the city-initiated effort to zone un-zoned properties within the City of Wimberley

City Administrator Ferguson outlined the incremental process to proceed with this zoning project, including property owner notification, responses to date, and the upcoming public meeting schedule.

- Status report on the *Pedernales Electric Cooperative (PEC) Distribution System Improvement Project Task Force*

City Administrator Ferguson reported that task force members are working with PEC representatives to explore aesthetically acceptable alternatives for improvements, including reduction in the number of poles by consolidating PEC and Verizon lines on the same poles, underground lines in certain locations, and ground mounts. He reported on the upcoming meeting schedule and anticipated a public presentation in early September. Discussion established that Time Warner and other providers are included in discussions addressing consolidation of lines in order to eliminate overhead clutter and reduce the number of poles.

- Status report on the development of a *Non-Point Source Pollution Ordinance*

City Administrator Ferguson reported on progress made in recent meetings and advised that a draft ordinance has been forwarded to regional water quality expert Terry Tull for review and recommendations.

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

City Administrator Ferguson reported that with the busy season winding down operating hours may be reduced in the final weeks of season operations. He cited attendance/admission statistics and reported on water quality issues. While Blue Hole's bacteria levels test in the acceptable range, he stressed that all natural bodies of water carry a certain element of risk.

- Status report on efforts underway to secure state and federal funding for the Downtown Wastewater Project

City Administrator Ferguson reported on the status of the City's application, including stimulus funding requirements, timeframe, scoring, and alternative funding sources. He anticipated award of funding around January 2010 and thanked Guadalupe Blanco River Authority for its efforts. Discussion addressed the upcoming meeting schedule for Water Wastewater Advisory Board.

- Status report on activities of the Wimberley Municipal Court

City Administrator Ferguson reported on a light case load and smooth transition to new Interim Municipal Court Judge Andrew Cable. He noted that the City is receiving applications for the position of Municipal Court Judge to be forwarded to Council for consideration at a later date. Discussion addressed the composition of the current caseload, with the majority of cases traffic-related.

- Status report on activities of the City Marshal

City Administrator Ferguson reported on the City Marshal's involvement in Christmas event planning and recent attendance at alcohol enforcement training. He announced City Marshal Robinson's resignation at the end of October due to personal/family reasons and thanked him for his proactive efforts and citizen outreach.

3. Public Hearing and Possible Action

- A. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Michael D. Jenkins and Lynn M. Grimes to operate a bed and breakfast lodging facility on an approximately .86 acre tract located at 2328 Flite Acres, Wimberley, Texas, zoned Single Family Residential 2 (R-2), 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 (*Michael D. Jenkins & Lynn M. Grimes, Applicants*).

This item was heard after Agenda Item 4C.

City Planning Technician Abby Gillfillan reviewed the application including location, current zoning, compatibility with surrounding uses, existing structures, maximum occupancy, parking, septic system, property management, and water access conditions. With no opposition expressed to this application, she concluded with staff's recommendation for approval. City Administrator Ferguson added that the Planning and Zoning Commission received no opposition to this request at its public hearing and voted unanimously in favor of recommending approval.

Mayor Haley opened the public hearing. Hearing no further comments, Mayor Haley closed the public hearing. Discussion addressed maximum occupancy, septic, parking, and number of surrounding area bed and breakfast operations. Discussion established that no traffic concerns were expressed by the Planning and Zoning Commission. Councilmember White moved to approve the item as presented. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

- B. Hold a public hearing and consider approval of proposed additions to the City of Wimberley Transportation Master Plan relating to emergency access (*Transportation Advisory Board & Planning and Zoning Commission*).

Transportation Advisory Board (TAB) Secretary Bert Ray provided an overall history of the Transportation Master Plan (TMP) development to date, prioritization of proposed additions, and tonight's presentation focusing on emergency access issues at the following locations:

- Locations 1 & 2: Inadequate culverts at two crossings on Leveritts Creek
- Locations 3 & 4: Two low water crossings on Wilson Creek
- Location 5: Emergency access for River Meadows area
- Locations 6 & 7: Wimberley Hills access and CR 1492 Pierce Creek crossing

- Location 8: High water over Ranch Road 12
- Location 9: Emergency access for Paradise Hills
- Locations 10, 11 & 12: Inadequate culverts at two locations on Flite Acres Road and low crossings on Hidden Valley Road at Spoke Pile Creek

Discussion addressed specifics of each location including past history of problem areas, various options to correct those problems such as ditch/culvert improvements, drainage, and possible elevation of roads/bridges. Other areas of discussion included public input on the proposed additions, prioritization, and administrative issues relating to rights-of-way/easements.

While some specific concerns were expressed by River Meadows Property Owners Association (RMPOA) President Curt Busk regarding use of Leach Lane for emergency access at Planning and Zoning Commission's last meeting, City Administrator Ferguson noted that subsequent discussions with Dr. Busk confirmed that the RMPOA is actually on record in favor of Leach Lane as an emergency access point. At Planning and Zoning's last meeting, Dr. Busk had recommended elevating a section of River Road as an alternative to using Leach Lane for emergency access purposes.

Discussion included TMP objectives in obtaining uniform emergency access points/procedures, and varying degrees of difficulty encountered for each proposed addition. Mr. Ray felt that an engineering evaluation would be useful in providing a reasonably valid projection of costs associated with these proposed additions.

Mayor Haley thanked Mr. Ray and TAB members and recommended approval of the proposed additions.

Mayor Haley opened the public hearing. Brief discussion between Clint Frankmann and Bert Ray addressed ownership of property along the proposed secondary access route connecting East and West Spoke Hill Drive (referred to in *Location 9: Emergency Access for Paradise Hills*).

Hearing no further comments, Mayor Haley closed the public hearing. Councilmember Thurber moved to approve the item as presented (in accordance with the draft dated June 3, 2009). Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

4. Discussion and Possible Action

- A. Discuss and consider approval of *The Proposed Wimberley Wastewater Treatment Plant Work Plan and Budget for Fiscal Year 2010 (Guadalupe Blanco River Authority)*.

This item was heard after Agenda Item 2.

Guadalupe Blanco River Authority (GBRA) representatives John Smith and Daryl Ball presented information on compliance and specifics on current operations including Biological Oxygen Demand (BOD) levels, flows, effluent, detection/repair of a leak at Deer Creek Nursing Center, and

change in the wastewater treatment process from “Imhoff “ to “extended air.” Mr. Smith directed Council’s attention to a handout comparing 2009 and 2010 budget categories and detailed the following budget areas: Total Operating and Maintenance; Debt Service; Capital Additions; Total Expenses; Unit Cost (\$/1,000 gallons); Total Treated Flow; Minimum Monthly Bill; Proposed Rate (\$/1,000 gallons); and Operating Revenue.

Discussion addressed rate increases offset by reduced surcharges, improved efficiency of the new compliant plant, and measures underway to reduce noise generated by the plant. Discussion clarified the City’s ownership of this plant and its sole cost-bearing customer (Deer Creek Nursing Center), with operations managed by GBRA.

Hearing no further discussion, Mayor Haley entertained a motion. Councilmember White moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider approval of a variance to the City of Wimberley sign regulations for a business located at 13900 Ranch Road 12 (*Yvette Strange, Applicant*).

This item was heard after Agenda Item 3B.

City Administrator Ferguson explained current sign regulations and reasoning provided by the applicant for the proposed variance request. He noted that Council has the ability to grant a sign variance if the following standards are met:

- The variance will not authorize a type of sign which is specifically prohibited this chapter
- The variance is not contrary to the goals and objectives outlined by the City of Wimberley Comprehensive Plan; Section VII, D-2
- The variance is not contrary to the public interest
- Due to special conditions, a literal enforcement of the chapter would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.
- The spirit and purpose of the chapter will be observed, and substantial justice will be done.

Applicant Yvette Strange provided reasoning for this requested variance and detailed access/parking at the business location.

Discussion addressed whether a variance request is necessary, intent of sign regulations, and need for rewriting of the Sign Ordinance. Due to the subject property’s location, parking, and access from both Ranch Road 12 and Old Kyle Road, Council generally agreed that this variance request is appropriate.

Councilmember Thurber moved to approve the variance in accordance with the above listed standards to allow the sign to be placed on the rear of the property in lieu of any other location on

the building. City Administrator Ferguson suggested adding language to the motion specifying the rear of the building as being the side that faces Old Kyle Road. Councilmember Thurber amended his motion to include the suggested language. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider action on issues relating to the upcoming 2010 United States Census (*Place Two Councilmember Bob Flocke*).

This item was heard after Agenda Item 4A.

Councilmember Flocke outlined the history and purpose of the Census, cited response statistics, and stressed the importance of accurate Census data to the community, which affects allocation of federal funds and the City's qualification for home rule status. He reported on Census Bureau procedures such as canvassing of physical addresses, questionnaire mailings, and follow-up for non-responders.

Councilmember Flocke noted that mailings will be to physical addresses only and acknowledged the challenge of accurately counting Census data when roughly half of Wimberley's residents do not receive mail at their physical addresses. Councilmember Flocke's discussion with Wimberley's Postmaster addressed possible measures to ensure delivery of questionnaires to as many residents as possible.

Steps recommended by Councilmember Flocke to promote full Census participation included: formation of a Complete Count Committee to help develop and implement local outreach and awareness of the 2010 Census and creation of an action plan to encourage as many local residents as possible to participate. Councilmember Flocke stated that participation in the 2010 Census is easy (shortest questionnaire in Census history), important to Wimberley's future, and that shared information is protected in a safe and confidential manner.

Discussion addressed appointment of a Census liaison, display/distribution of materials, providing training/work space for Census applicants/workers, formation of a Complete Count Committee, issuance of a public endorsement of support, and addition of Census links on the City's website. Council expressed support for Councilmember Flocke's recommendations as outlined in his statement distributed to Council (attached to these minutes).

Councilmember Flocke moved to approve the recommended steps outlined in his statement, including the adoption of a resolution of support at a later date. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible approval of plans for a proposed Christmas parade in downtown Wimberley (*City Administrator*).

City Administrator Ferguson stated that local realtor Brenda Samford is organizing this event scheduled for the Friday after Thanksgiving at 6:30 p.m. The parade will feature lighted floats and

start at the Brookshire Brothers parking lot and proceed south on Ranch Road 12 to end on Blue Heron Drive. The required insurance along with the cost of law enforcement and any traffic control devices needed for the parade would be funded by parade organizers. Discussion addressed coordination among organizers, fundraising (to be completed by September 30, 2009), issues such as later hours for merchants, possible spin-off events, traffic concerns, and use of the bypass to avoid through traffic through the downtown area.

Councilmember Roccaforte moved to approve plans as presented, contingent on funds being raised by September 30, 2009. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider issues relating to the development of the Fiscal Year 2010 Operating Budget for the City of Wimberley (*City Administrator*).

City Administrator Ferguson explained the preliminary budget process, which includes funding for a wide range of short- and long-term needs identified by City staff. He stressed that the preliminary figures are meant to be a starting point for upcoming budget discussions and preparation.

Future needs identified included:

- Assistant City Administrator
- Deputy City Marshal
- Full-time Municipal Court Clerk
- Full-time public works laborer
- Desktop and laptop computers
- In-car computers for law enforcement and wireless access
- Paperless agenda processing
- Website redesign
- Computer system back-up improvements
- Telephone notification system for citizen information/emergencies
- Vehicle for Deputy City Marshal
- Vehicle for Public Works laborer
- Downtown sidewalk construction
- Fourth of July fireworks display
- Street assessment and identified road repairs and improvements
- Low water crossing improvements
- City limits survey
- Recodification of City ordinances
- Additional licenses for records management software
- Planning Department mapping software
- Community survey

Expenditures for a new City Hall facility are not included in the preliminary budget.

Discussion of revenue projections included:

- Sales tax fluctuations
- Municipal Court activity
- Development fees such as building permit and subdivision fees
- Uncertainty regarding Wimberley Community Center operations

City Administrator Ferguson highlighted the budget process/schedule and stressed that he does not advocate a large budget deficit, but recognizes the importance of thinking ahead for long-term budgetary needs. No action was taken on this item.

- F. Discuss and consider possible action relating to the development of a new City Hall facility for the City of Wimberley, Texas (*Mayor Tom Haley*).

Mayor Haley pulled this item for future consideration and no action was taken.

5. City Council Reports

- Announcements
- Future Agenda Items

As future agenda items:

Councilmember Appleman requested an Executive Session discussion of Wimberley Community Center contracts.

Councilmember Thurber requested discussion of the intent of the City's water conservation ordinance and Council's ability to implement restrictions. He also requested that Planning and Zoning begin the process of developing a landscaping ordinance.

Hearing no further announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 8:39 p.m.

Adjournment: Council meeting adjourned at 8:39 p.m.

Recorded by:

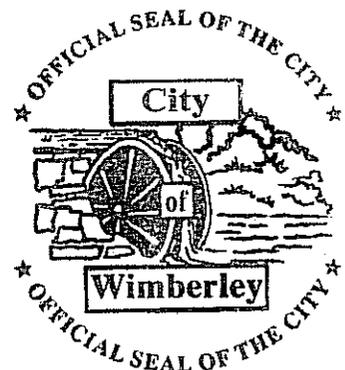
Cara McPartland

Cara McPartland

These minutes approved on the 20th of August, 2009.

APPROVED:

Tom Haley
Tom Haley, Mayor



The 2010 Census is just around the corner.

The constitutionally mandated decennial census is for the apportionment of seats in the US House of Representatives.

The other purpose is to determine the distribution of federal funds--allocated to all states based on Census data.

Hays County doesn't have a very good record of responding to the census.

In 2000, the US Census response rate was 67 percent. The rate for Texas was 64 percent, and for Hays County, it was 62 percent.

This below average response hurts us in several ways:

1. An undercount in the Census could mean fewer federal dollars for our community
2. We need 5,000 people to start the process for voters to approve a home rule charter for Wimberley. Portions of the population have not supported population estimate measures used in the past, but I believe they will accept US Census data.

The Census Bureau has been working on next year's Census.

They've canvassed physical addresses, ensuring that there is in fact a residence at each address that they have.

This fall the Census Bureau will begin recruiting employees for their non-response follow-up

In February and March of next year, Census questionnaires will be mailed out to physical addresses. There will be no mail out to post office boxes.

April 1 is Census day.

Those who do not receive a Census questionnaire will be directed to a *Be Counted Center* to be counted. At this point, no one knows where our nearest *Be Counted Center* will be.

Local areas have been encouraged to form Complete Count Committees to help educate the public on the 2010 Census. I attended a meeting of the Hays County Complete Count Committee along with representatives from the city staff, chamber of commerce and the school district.

The folks from Wimberley and Woodcreek who were present decided to establish a Wimberley Complete Count Committee to develop and implement local outreach and awareness for the 2010 Census.

The Complete Count Committee will come up with an action plan to encourage as many local residents as possible to participate in the 2010 Census.

The toughest nut to crack will be figuring out a way that a community in which roughly half the people do not receive mail at their physical addresses can be accurately counted in a system that only mails questionnaires to physical addresses.

The 2010 Census is important to Wimberley's future.

It's easy

- Shortest questionnaire in Census history
- Total of 10 questions: name, gender, age, race, ethnicity, relationship, own/rent
- About 10 minutes to complete

It's important

- Census data directly affect how federal government allocates over \$300 billion a year
- The Census will count residents living in the United States on April 1, 2010
- Wimberley's qualification for home rule status is riding on the outcome of the Census

It's Safe

- Answers are protected by law and strictly confidential
- Information is used for statistical purposes only
- Not shared with any government agency