

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
September 17, 2009 at 6:30 p.m.

City Council meeting called to order at 6:32 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, Steve Thurber, and John White. Councilmember Bill Appleman had an excused absence.

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

Proclamations

- A. Proclamation declaring October 6, 2009 as "National Night Out" in Wimberley, Texas
- B. Proclamation declaring September 17th through September 23rd as "Constitution Week"

Mayor Haley read both proclamations.

Citizens Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of the minutes of the regular City Council meeting of September 3, 2009
- B. Approval of the minutes of the special City Council meeting of September 1, 2009
- C. Approval of the appointment of Dick Larson to the City of Wimberley Board of Adjustment (*Mayor Tom Haley's nominee*).

Councilmember Thurber pulled all Consent Agenda items. After clarification of specific motions/votes, discussion reached agreement on the following changes:

- Minutes of September 3, 2009: Change *amendments* to *conditions* in the second sentence of paragraph 3 on page 6.
- Minutes of September 1, 2009: Add *park maintenance* before *endowment financing* in the last sentence of the first paragraph on page 3.

Councilmember Thurber moved to approve Consent Agenda Item 1A as amended. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

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

In response to Councilmember Thurber's inquiry about Board of Adjustment term lengths, City Administrator Ferguson clarified that membership is for two-year terms, and discussion agreed to address questions regarding other boards/commissions on a future agenda.

Councilmember Thurber moved to approve Consent Agenda Item 1C. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

2. City Administrator Report

- Status report on the recent flooding in Wimberley

City Administrator Ferguson reported on low water crossing/road closures, coordinated clean-up efforts with Hays County, and operational issues with low water crossing warning lights that are currently under repair.

- Status report on Wimberley sales tax collections

Although sales tax collections have declined, City Administrator Ferguson reported that collections were higher than conservatively budgeted revenue figures.

- Status report on development of a Non-Point Source Pollution ordinance

City Administrator Ferguson reported that the draft ordinance is nearing completion pending review by the subcommittee, regional water quality expert Terry Tull, and Betty Lambright of Hays County's Road Department. Mr. Ferguson anticipated a response from the Attorney General on a requested opinion and completion of the draft ordinance for Council consideration in the coming weeks.

- Status report on possible modifications to the slope requirements in the City of Wimberley Code of Ordinances

City Administrator Ferguson reported that Planning and Zoning Commission will be considering modifications requiring amendments to the City's Zoning Ordinance. As requested by Councilmember Roccaforte, direct references to slope will be removed where possible, while ensuring safeguards exist for eased slope requirements.

- Status report on the management transition at the Wimberley Community Center (WCC)

City Administrator Ferguson reported on continued meetings with WCC staff and advised that its maintenance worker will be leaving for another position shortly. He noted that an interim worker

has assumed maintenance duties and interviews for the position will begin soon. Details of the transition relating to financial operations and telephone back-up are being worked out. Mr. Ferguson reported on the Parks Board's advisory role, recent activities, and upcoming meetings regarding WCC management.

- Status report on activities of the Wimberley Municipal Court

City Administrator Ferguson stated that there is no new court activity to report.

- Status report on activities of the City Marshal

City Administrator Ferguson reported on the City Marshal's preparations for *National Night Out* activities scheduled for October 6, 2009 in the Wimberley Square.

In response to Councilmember Thurber's earlier inquiries about boards/commissions, City Administrator Ferguson advised that information will be forwarded to Council relating to needed appointments. Councilmember Flocke thanked City Administrator Ferguson for his *National Night Out* presentation at the Wimberley Chamber of Commerce luncheon on September 17, 2009.

3. Discussion and Possible Action

- A. 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 directed Council's attention to handouts detailing various budget options, with some allowing for additional *Capital Outlay Roads* funding. Discussion addressed differences among the versions and associated budget adjustments to affected line items:

- Version No. 1 removes the City Marshal position and vehicle and associated expenditures (net savings of \$31,207; reflecting buy-out of the Marshal's leased vehicle).
- Version No. 2 removes the City Marshal position and associated expenditures (net savings of \$35,559).
- Version No. 3 includes the City Marshal's position and vehicle and associated expenditures and includes \$100,000 additional funding for *Capital Outlay Roads* to be taken from Fund Balance.
- Version No. 4 removes the City Marshal's position and vehicle and includes additional funding for *Capital Outlay Roads* in the amount of \$68,793 to be taken from Fund Balance (\$100,000 proposed road funds less net savings of \$31,207 realized from eliminating City Marshal/vehicle and associated expenditures).
- Version No. 5 removes the City Marshal's position and includes additional funding for *Capital Outlay Roads* in the amount of \$64,441 to be taken from Fund Balance (\$100,000 proposed road funds less net savings of \$35,559 realized from eliminating the City Marshal's position and associated expenditures).

City Administrator Ferguson provided projections on Fund Balance, including final budget amendments. Using the projected Fund Balance amount of approximately \$892,000, City Administrator Ferguson provided information detailing the impact of the above listed budget versions on Fund Balance and emphasized its primary purpose as a reserve fund for unforeseen financial needs that cannot be met through normal revenues (such as a natural disaster).

Because the City of Wimberley does not have a property tax, Council must consider keeping a sufficient amount in Fund Balance to cover such financial needs. He also noted existing and potential commitments related to matching grants that will need to be allocated from the General Fund, should those grant(s) be awarded. Mr. Ferguson advised of the City's share (approximately \$150,000) of costs associated with drainage improvement expenditures approved by voters as part of the Ranch Road 12 widening project in conjunction with Texas Department of Transportation and Hays County.

City Administrator Ferguson reported on projected costs of employee health insurance benefits based on recent quotes, including specifics on employee participation, deductibles, co-pays, and monthly premiums. Mr. Ferguson spoke on limitations of the TexHealth Central Texas plan, employee interest, the City's statutory obligation to pay fifty percent (50%) of employees' premiums, and current stipend costs borne by the City. He suggested leaving the current employee insurance stipend amount in place and authorizing staff to secure quotes for a group health plan contract available for employees who desire to participate. The current stipend amount would be applied to the employee's monthly premium cost, with the employee responsible for the difference. Mr. Ferguson stated that the goal of offering health insurance benefits will help the City hire and retain quality employees.

Discussion addressed the use of a volunteer City Marshal (with the City carrying the law enforcement officer's commission), and potential liability/termination/discipline issues. Subsequent discussion included use of off-duty Hays County Sheriff's deputies, associated enforcement limitations, and use of contract law enforcement under certain circumstances.

Other areas of discussion included extent of insurance coverage on River Road, which is largely limited to bridges, as an alternative to funding road repairs from Fund Balance.

Mayor Haley advised that no action will be taken on this item at this time.

Relating to prior discussion of insurance coverage, City Administrator Ferguson added that significant damage to River Road would likely be subject to Federal Emergency Management Agency (FEMA) reimbursement.

- B. Discuss and consider approval of the route and the placement of public notices for the *Livestrong Challenge* bike event to be held in Wimberley, Texas on October 25, 2009 (*City Administrator*).

City Administrator Ferguson highlighted the route and event details including law enforcement, traffic control measures, and signage.

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

- C. Discuss and consider action regarding possible modifications to the building height requirements in the City of Wimberley Code of Ordinances (*City Administrator*).

City Administrator Ferguson requested Council's input and direction on desired modifications. Discussion addressed current height requirements, grandfathering of existing structures, exceptions for steeples, various methods for measuring heights, role of Board of Adjustment in granting height variances, deck heights, and original reasoning for existing height requirements. General agreement was reached to eliminate height requirements for decks while ensuring safety via adequate engineering review and building inspection.

Councilmember Flocke moved to direct staff to draft an ordinance with appropriate changes that would eliminate height requirements while ensuring structural safety.

Discussion established that Councilmember Flocke's motion only relates to height requirements for decks. Councilmember Flocke reiterated the need for safety precautions. Councilmember White seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider action designating Mayor Tom Haley, Mayor Pro-tem Charles Roccaforte and City Administrator Don Ferguson as authorized signatories on the City of Wimberley depository bank accounts at Ozona National Bank (*Mayor Tom Haley*).

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

- E. Discuss and consider action on a request from the Wimberley Valley Art League to place directional signage on the City's rights-of-way in conjunction with the *Wimberley Valley Art League Artists' Studio Tour* on September 18th and 19th, 2009 (*City Administrator*).

City Administrator Ferguson explained the request and highlighted sign locations and expected sign removal date. Councilmember Thurber moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

- 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 stated that Texas Parks and Wildlife Department (TPWD) has advised the City cannot use the Wimberley Community Center (WCC) on a regular basis for any meetings. Councilmember Thurber requested to see TPWD's statement regarding the City's use of the WCC in writing. He

also requested that staff pursue the option of developing a portion of the Blue Hole Regional Park property for joint use by the City of Wimberley and Hays County as a governmental facility. City Administrator Ferguson stated that approximately five acres is available from the original property acquisition. Discussion agreed to inquire about the possibility of developing a joint governmental facility for the City of Wimberley and Hays County on Blue Hole property.

Councilmember Thurber moved to authorize staff to present a letter to Hays County officials requesting consideration of joint efforts to build a joint governmental facility on Blue Hole property. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

4. City Council Reports

- Announcements
- Future Agenda Items

Councilmember Thurber requested a copy of the current City Hall lease agreement and contact information on all board/commission members.

Hearing no more announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 7:38 p.m.

Adjournment: Council meeting adjourned at 7:38 p.m.

Recorded by:

Cara McPartland

Cara McPartland

These minutes approved on the 1st of October, 2009.

APPROVED:

Tom Haley
Tom Haley, Mayor

