

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
January 7, 2010 at 5:00 p.m.

City Council meeting called to order at 5:10 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 Attorney Cindy Crosby.

Citizens Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of the minutes of the regular City Council meeting of December 17, 2009.
- B. Approval of the minutes of the special City Council meeting of December 21, 2009.

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

2. Presentation

Presentation of the quarterly activity report by representative(s) of the Pedernales Electric Cooperative (PEC). (*Cele de Leon*)

Cele de Leon reported on PEC's Christmas tree recycling program, holiday closings, and repair hotline/general contact information, and continued PEC website improvements, including a new link to PEC news on www.twitter.com. Mr. de Leon closed by presenting Mayor Haley with PEC's quarterly franchise payment in the amount of \$18,974.72. There was brief discussion of area drop-off locations for Christmas tree recycling. City Administrator Ferguson thanked Mr. de Leon and PEC for helping with installation of Wimberley's Christmas decorations.

3. City Administrator Report

- Status report on the implementation of the Food Service Establishment and On-site Sewage Facilities (OSSF) Permitting and Inspection Programs

City Administrator Ferguson reported that the City has assumed these responsibilities as of January 1, 2010. He stated that Kyle De Hart is in the process of assuming duties as City Sanitarian and that food permitting/inspection programs are underway as well.

- Status report on the preparation of the *City of Wimberley Fiscal Year 2009 Financial Report*

City Administrator Ferguson stated that auditors have completed their on-site field work and anticipated Council's consideration of the report in early February.

- Status report on the rates levied by Texas Disposal Systems (TDS) for the collection of solid waste in Wimberley

City Administrator Ferguson stated that TDS is increasing its rates by two percent (2%) and cited payment statistics reflecting the increased rate.

- Status report on the efforts to hire a City of Wimberley Planning Technician

City Administrator Ferguson commended outgoing City Planning Technician Abby Gillfillan, who broke new ground by setting up the City's GIS mapping system. He stated that interviews are underway and noted that Ms. Gillfillan has agreed to provide assistance as needed after her departure to the City of San Marcos Planning Department.

In response to Councilmember Thurber, City Administrator Ferguson replied that TDS's rate increase is effective February 1, 2010.

- Status report on the selection of a contractor for the upcoming Fourth of July fireworks display

City Administrator Ferguson reported that a Request for Proposal (RFP) has been issued, with responses due by the end of January 2010. He noted that a selection committee will include Chamber of Commerce and Wimberley Fire Department representation and that fund raising activities are being planned. Mayor Haley asked for Council's input on delegating the contractor's selection to the selection committee. City Administrator Ferguson stated that the committee will forward a recommendation to Council for action on contract approval. In response to Mayor Haley, City Administrator Ferguson replied that no RFP responses have been received to date.

4. Discussion and Possible Action

- A. Discuss and consider possible action on issues relating to the selection of a firm to prepare a boundary survey for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson reviewed the process to select a firm to date and noted Council's options for action.

Discussion generally agreed to continue this item until Council's next meeting. Councilmember Roccaforte moved to continue this item until Council's next meeting on January 21, 2010. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action on issues relating to the possible submission of an application for Tier III funding assistance from the Texas Water Development Board for the development of a centralized wastewater system for the downtown Wimberley area. (*City Administrator*)

City Administrator Ferguson reviewed the application process to date and explained specifics of Tier III (Federal) funding in the form of a long-term, low-interest loan, including certain terms, timeframes, prior meetings, and options for action. He stated that Council needs to consider whether or not to make connections mandatory as a means to secure a sufficient customer base. He suggested means of mitigating costs to the customer should connections be mandated. He stressed that any action taken tonight is related to *submission* of the loan application, not for *acceptance* of the loan. Should connections be mandated upon loan acceptance, information was provided on necessary amendments to any agreements entered into with GBRA, needed ordinance language, and establishment of fees.

Economic Development Commission (EDC) member Gary Weeks stated that there is a need to improve communication among City boards/commissions and Council as part of the Commission's tasks. He felt that the City's website should be improved and that all board/commission minutes should be distributed electronically among interested parties, including the public and the media. Though it is late in the process, Mr. Weeks expressed the importance of stated Comprehensive Plan goals and economic development strategies related to wastewater service. Because of the widespread impact of wastewater service, he felt that both EDC and Planning and Zoning Commission members need to be involved in working out details of providing wastewater. He stated that EDC did not feel it had enough information at this point to make a recommendation. Referring to costs, water usage charts, and projected LUEs, Mr. Weeks stated that currently undeveloped land would have to be developed to make the project economically feasible. In response to Mr. Weeks' inquiry, City Administrator Ferguson replied that an on-ground survey would have to be conducted. Mr. Weeks expressed concerns over making relevant maps available for public review, as well as controlling authority of GBRA. He spoke in support of Bert Ray's suggestions for effluent disposal provided at Council's joint meeting of January 4, 2010. Based on contact with Wendell Payton, Mr. Weeks questioned cost estimates on SSR/MBR plants and stated that such plants are quieter, with a smaller footprint. Mr. Weeks conveyed Mr. Payton's suggestion that the application does not restrict the City's opportunity to explore all technical options, and asked that such a stipulation be added to any motion made tonight.

No further public comments were heard.

Discussion addressed:

- Differences between Tier II and Tier III funding
- Ability to convert from Tier III to Tier II funding at a later date
- Issues with mandatory connections and need to mitigate customer costs
- Economic feasibility of different types of plants such as Membrane Bioreactor (MBR) and Extended Aeration Activated Sludge Systems (EAAS)
- Need to ensure that all technical options for plants may be explored
- Advantages/disadvantages of proceeding with downtown wastewater service and need for such service
- Need to explore all options, whether or not loan application is submitted and/or subsequently approved and accepted
- Further detailed analysis of all options by Water Wastewater Advisory Board and Economic Development Commission
- Inclusion of language that does not restrict the manner in which effluent is disposed of (such as certain landscaping irrigation purposes)
- Need for application submission as a preliminary step toward realizing downtown wastewater service
- Commitment in loan application that the City is prepared to take steps necessary to ensure sufficient customer base
- Meetings to educate the public and individual property owners about the process to secure wastewater service
- Possible expansion of the service area to increase LUEs and costs involved with such expansion

Mayor Haley felt that wastewater service is essential to protect our waterways as the “lifeblood” of the City and that willingness to consider mandatory connections sends a message that the City is serious in its effort to move forward with this project.

After considerable discussion, Mr. Ferguson’s recommended motion language to approve submission of the application and that if such funding is granted, the City would take steps necessary to mandate connections to the system to ensure adequate customer base and that revenues are collected to pay for the construction and operation of the wastewater system. Subsequent discussion determined that additional language is not needed at this time related to lack of restrictions on specific wastewater service options, which are not referred to in GBRA’s resolution. Mr. Ferguson stated that future meetings will be held to address service options. Councilmember Thurber moved to recommend that GBRA pursue the invitation for stimulus money pursuant to Mr. Ferguson’s recommended wording and proposed motion made for Tier III funding. Councilmember Flocke seconded. Discussion established that the funds are not “stimulus” funds, but Tier III funds. There was brief discussion relating to sufficiency of language used to assure sufficient customer base and the City’s options to pursue alternative Tier II funding. Mayor Haley called for a vote as follows: Councilmember Roccaforte, aye; Councilmember Flocke, aye; Councilmember Appleman, aye; Councilmember Thurber, aye; Councilmember White, aye. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action on the proposed modification of the site development requirements of the City of Wimberley's Protected Waterway Overlay District. (*Place Three Councilmember Bill Appleman*)

Councilmember Appleman requested that this item be continued to allow for adequate input and review. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible approval of a professional services agreement with Langford Community Management Services to provide grant administration services relating to the Blue Hole Regional Park Project. (*City Administrator*)

City Administrator Ferguson cited prior grant services provided by Langford Community Management Services with successful results. He noted that costs under this service agreement (\$25,000) can be funded with grant dollars for as a grant administration line item. Councilmember Appleman moved to approve the item as presented. He cited other sources of funding donated for various aspects of the development. Councilmember Thurber seconded. Motion carried on a vote of 5-0. City Administrator Ferguson stated that a Schematic Design Phase Report will be presented by Design Workshop at Council's next meeting on January 21, 2010.

- E. Discuss and consider possible action on issues relating to the possible acquisition of Lot 80 (0.814 acres) in South River Unit One, also known as 211 Stillwater, Wimberley, Texas. (*Mayor Tom Haley*)

Mayor Haley adjourned Open Session and convened into Executive Session at 6:01 p.m. for consultation with legal counsel to discuss real estate acquisition pursuant to Chapter 551.072 of the Texas Government Code.

Mayor Haley adjourned Executive Session and reconvened Open Session at 6:09 p.m. No action was taken during Executive Session.

Councilmember Thurber moved to direct staff to take action as discussed in Executive Session for the acquisition of property located at 211 Stillwater, Wimberley, Texas. Councilmember White seconded. Motion carried on a vote of 5-0.

5. City Council Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 6:09 p.m.

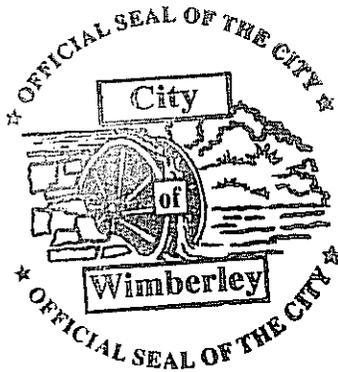
Adjournment: Council meeting adjourned at 6:09 p.m.

Recorded by:

Cara McPartland

Cara McPartland

These minutes approved on the 21st of January, 2010.



APPROVED:

Tom Haley
Tom Haley, Mayor