

**City of Wimberley**  
City Hall, 12111 Ranch Road 12, Ste. 114  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
April 1, 2010 at 6:00 p.m.

City Council meeting called to order at 6:00 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 citizens communications were heard.

**1. Consent Agenda**

Approval of the minutes of the regular City Council meeting of March 18, 2010

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

**2. Presentations**

*This item was heard after Agenda Item 4B.*

A. Presentation of the Pedernales Electric Cooperative (PEC) Quarterly Activities Report. (*Cele de Leon, PEC*)

Mr. de Leon provided information on various PEC educational scholarships, Earth Day-related events, PEC's promotion of energy conservation, new hybrid "bucket" trucks, SECO-offered rebates through the Texas Trade Up Appliance Rebate Program, energy efficient bulbs/recycling, and upcoming board meeting items. He pointed out useful PEC website features and presented Mayor Haley with a franchise check in the amount of \$29,185.41. Mayor Haley thanked Mr. de Leon, who provided clarification on the appliance rebate program.

- B. Presentation by representatives of Texas Disposal Systems regarding a proposal to enhance the recycling services offered to solid waste customers in the City of Wimberley. (*Ryan Beard, Texas Disposal Systems*)

Texas Disposal Systems (TDS) representative Ryan Beard distributed copies of his presentation to Council (*attached to these minutes*). Mr. Beard's presentation included:

- General background/history of TDS and major awards
- History of TDS' franchise agreement with the City of Wimberley
- TDS' support of community projects
- Technological improvements to services
- New service options
- Benefits/details of single stream recycling, including media coverage and statistics on the San Marcos program
- Information on City-wide clean up, including curbside service and central location bulk drop-off options
- Additional services offered at current rates, which would be constant through December 2011 with proposed annual five percent (5%) rate adjustments thereafter

Mr. Beard proposed an extension of the current contract for five (5) years in order to help pay for the cost of the carts used in single stream recycling. Discussion addressed specific participation rates, public information/education efforts, use of compactable trucks and associated improvements, sorting of recyclables via the use of a Materials Recovery Facility (MRF) and related costs, and reasoning for proposed rate increases for residential/commercial customers. Also discussed was TDS' business philosophy on the recycling market in general and investment in single stream recycling within the context of current market conditions. City Administrator Ferguson stated that City Attorney Crosby can advise on available options, should Council decide to act upon TDS' proposal to extend the current contract for five (5) more years (*see Agenda Item 5C*).

### **3. City Administrator Report**

*This item was heard after Consent Agenda Item 1.*

- Status report on the efforts underway to secure federal funding for the downtown wastewater project

City Administrator Ferguson reported that the City's Tier III, Phase I loan application will be included in the Texas Water Development Board's (TWDB's) April 22<sup>nd</sup> meeting agenda. He noted that agendas will be posted for possible attendance by a quorum of City Council and Water Wastewater Advisory Board members. He reported on a companion effort to qualify for and secure Tier III, Phase II funding, which is currently under review. He reminded Council about a public hearing/meeting on the environmental report scheduled for Tuesday, April 13, 2010 at 6:00 pm. at the Wimberley Community Center.

- Status report on the preparations for the upcoming May 8, 2010 City of Wimberley General Election

City Administrator Ferguson reported on the deadline for voter registration, the schedule/location for voting/early voting, and general election information available on the City's website, including the deadline to receive applications for mail-in ballots. He noted that Wimberley ISD will not participate in the election. Discussion established that election costs will be shared between the City of Wimberley and the remaining participant, Hays Trinity Groundwater Conservation District.

- Status report on the acquisition of a new City Hall and preparations to move into the new facility

City Administrator Ferguson reported that the closing on the sale of the property at 211 Stillwater is scheduled for April 9, 2010. He stated that notice has been given to the City's current landlord and anticipated closing of City offices on Friday, April 30<sup>th</sup> in order to move into the new City Hall facility. Details of the move were briefly discussed, including minor remodeling plans and moving arrangements.

- Status report on the development of standards for required buffers between commercial and residential properties

City Administrator Ferguson reported on recent discussions held by the Planning & Zoning Commission and anticipated its recommendation to Council in early May.

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

- A. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for un-zoned real property located along and/or near Ranch Road 12, County Road 1492, Spoke Hollow Road, River Road, Stillwater Street, Southriver Road, Hill Country Trail, Leath Hollow Drive, Ridge Road, Barber Drive, Rim Road, River Bend Road, Climbing Way, Little Ranches Road, Chaparral Drive, Wayside Drive and Flite Acres Road in Wimberley, Hays County, Texas, and further described and shown on the exhibits attached to this ordinance; and designating the initial zoning for each tract from un-zoned to either Residential Acreage (RA), Rural Residential 1 (R-1), Single Family Residential 2 (R-2), Single Family Residential 3 (R-3), Scenic Corridor (SC), Commercial – Low Impact (C-1) and Public Protection Utility (PPU) as shown on the attached zoning map; and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*City of Wimberley, Applicant*)

City Administrator Ferguson reviewed the report, including the City initiated zoning process, proposed zoning, alternate zoning requests, and associated zoning maps. Specific properties were discussed relative to the possible development of a Lodging – Retreat (L-3) zoning district, which if

approved, would be compatible with existing uses. Upon clarification provided by the property owner, a certain tract containing a large unused water tank will be recommended for residential zoning, in order to correct its prior PPU designation. He stated that no opposition has been received and advised of Planning and Zoning's unanimous recommendation for approval at its March 25, 2010 meeting.

No public comments were heard.

Councilmember Appleman 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 an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for un-zoned real property located at or near the intersection of Ranch Road 12 and FM 32 in Wimberley, Hays County, Texas, and further described and shown the exhibits attached to this ordinance; and designating the initial zoning for each tract from un-zoned to either Commercial – Low Impact (C-1), Commercial – Moderate Impact (C-2), Highway Commercial (HC) and Public Facilities (PF) as shown on the attached zoning map; and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*City of Wimberley, Applicant*)

City Administrator Ferguson reviewed the report, including the City initiated zoning process, proposed zoning, details related to one alternate zoning request for HC, and associated zoning maps. No opposition was received to the proposed zoning, which was unanimously recommended for approval by the Planning and Zoning Commission at its March 25, 2010 meeting. He noted the proposed PF zoning for one tract of Texas Department of Transportation (TxDOT)-owned property.

No public comments were heard.

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

City Administrator Ferguson thanked Council for its diligence and patience in completing the process of zoning all un-zoned property with the City of Wimberley.

## **5. Discussion and Possible Action**

- A. Discuss and consider possible approval of an easement agreement with Aqua Utilities, Inc. d/b/a/ Aqua Texas, Inc. establishing a wastewater utility easement on Lot 2 of the Wimberley Community Center subdivision. (*City Administrator*)

*This item was heard after Agenda Item 2B.*

At the request of Aqua Texas representatives, Mayor Haley entertained a motion to continue this item until Council's next regular meeting.

Councilmember Thurber moved to approve continuance of this item until Council's next regular meeting on April 15, 2010. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible approval of recommendations regarding the wastewater collection and treatment options available for the Wimberley Wastewater Project and the options available for payment of the Living Unit Equivalent (LUE) fees associated with the project. (*Wimberley Water Wastewater Advisory Board*)

City Administrator Ferguson provided background on the project to date, upcoming loan application deadlines, and details on certain options/phases, including estimated costs, and payment of LUE fees.

Water Wastewater Advisory Board (WWAB) Chair David Estey provided the following reasoning for the recommended option to construct a new 50,000 GPD plant in the northeastern part of Blue Hole Regional Park:

- The new plant would be located in the area designated in the Blue Hole Regional Park Master Plan and be out of the way of park amenities, yet easily accessible from county roads.
- Conventional concrete wastewater plants have a significantly higher life expectancy than do package treatment plants, with analysis indicating that the total cost of expanding the existing package plant is roughly \$200,000 greater than construction of a conventional plant when analyzed over a fifty (50) year period.
- Related to the scope of service, expansion of the plant beyond its 50,000 GPD capacity is expected as the population increases and additional septic systems age and need replacement, without encroaching on park amenities.

Discussion addressed specific scenarios for lessening the financial impact of LUE fees (\$10,000 per LUE), including a five (5) year, interest-free recommended option to pay out the up-front \$7,500 LUE fee, with the capital portion of the customer's monthly wastewater bill to be increased accordingly to recover the remaining \$2,500 per LUE.

Mayor Haley commended WWAB for its comprehensive study of this issue and informative presentation of recommended options. In response to Mayor Haley's inquiry about the cost-effectiveness of using the Aqua Texas option, Chairman Estey stated that the Board considered long-term implications for customers, such as future concerns related to additional LUE fees and expansion. City Administrator Ferguson pointed out other long-term concerns such as lack of control over maintenance and operating charges/fees and plant expansion.

Discussion addressed currently proposed LUE fees versus potential LUE fees to future customers, mandatory connection, number of assigned LUEs subject to future changes in use, review/update of

LUE fees/payment options over time, clarification of terminology, capital fees per LUE, Aqua Texas processing fees, and processing agreements in general. Specifics of Aqua Texas regional rates, citizen feedback on mandatory connection, City's control over fees, questions over future parkway development, subsurface drip irrigation for effluent disposal, and use of effluent for landscaping irrigation were also discussed.

Mayor Haley entertained a motion. Discussion addressed the need for action at this time and clarified Council's ability to make future modifications, as needed. Councilmember Appleman moved to approve WWAB's recommendations regarding the wastewater collection and treatment options available for the Wimberley Wastewater Project and the options available for payment of the Living Unit Equivalent (LUE) fees associated with the project, as presented. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action providing City staff with direction regarding the available options for securing a future contractor to provide solid waste services for the City of Wimberley at the conclusion of the City's existing solid waste service agreement with Texas Disposal Systems. (*City Administrator*)

City Administrator Ferguson stated that the City's current contract with Texas Disposal Systems (TDS) expires on February 1, 2011 and noted that TDS has requested the City consider entering into negotiations to extend the current service agreement rather than soliciting bids from TDS and other potential contractors to provide solid waste and recycling services for the City at the conclusion of the current agreement.

City Attorney Crosby directed Council's attention to the existing agreement and noted two available options, should the City desire to enter into negotiations to extend the contract as requested by TDS representative Ryan Beard during his earlier presentation. The options included terminating the current agreement and initiating the bidding process with proper notification/hearing procedures or allowing the contract to automatically renew for three (3) years per terms of existing agreement. She clarified that a five (5) year extension would require termination and re-bidding, while the three (3) year extension option pursuant to the current contract would require no action by Council. City Attorney Crosby stated that the existing contract allows for a two percent (2%) rate increase without Council approval, but a five percent (5%) increase as proposed by TDS in its earlier presentation would require Council approval. She noted that the current contract sets minimum recycling requirements and does not prohibit TDS from going beyond those minimum requirements, but she cautioned against Council's acceptance of TDS' earlier stated recommendations, which seek to compensate TDS for increased single stream recycling operational expenditures.

TDS representative Rick Fraumann stated that the earlier stated recommendations are simply suggestions and that TDS can live within the terms of the current contract. Due to demands for increased recycling services expressed by residents, Mr. Fraumann reasoned that the impact of increased costs to customers could be lessened by the longer five (5) year term. He stressed that TDS is open and willing to negotiate whatever terms are in the City's best interest.

City Administrator Ferguson clarified that any renegotiation would be for the three (3) year extension period as specified in the current contract and emphasized that an extension of five (5) years would require termination of the existing agreement and re-bidding. Mr. Fraumann responded that TDS is open to responding to whatever terms the City proposes.

Discussion addressed the need for Council action at this time. Because he felt that single stream recycling is an important issue, Councilmember Appleman moved to request City Administrator Ferguson enter into negotiations with TDS under the current contract and report back to Council at a future meeting. In response to Councilmember White, Mr. Fraumann replied that TDS' pursuit of single stream recycling for Wimberley customers is not dependent on a five (5) year contract extension.

Councilmember Appleman restated his motion to ask City Administrator Ferguson to negotiate with TDS to continue service and to come up with favorable rates that allow for single stream recycling. Councilmember White seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action setting the date for a City Council workshop to consider possible alternatives for funding future City operations. (*Place Three Councilmember Bill Appleman*)

Given current revenues and expenditures, Councilmember Appleman felt it appropriate to discuss funding for priorities such as street improvements, which have been lacking in the past. He noted recent significant allocations for streets and estimated that it would take eight (8) to ten (10) years to complete projects bringing roads up to acceptable standards. He stated the need to look at alternate sources for funding or to cut spending and felt that the City has an obligation to keep up with road repairs/maintenance. Acknowledging his support from citizens against taxes, Councilmember Appleman stated that he has continued to look for ways to cut spending. He favored discussion exploring alternative funding, including ad valorem taxation, special district taxes, or extra franchise fees. He suggested scheduling workshop(s) in order to further discussion and receive input and feedback from citizens.

Mayor Haley felt that it would be best to wait until new elected officials are in place before scheduling workshops on this issue.

Councilmember Appleman stated that his timing for requesting this agenda item was to make discussion of alternate funding part of the election in order for candidates to make their thoughts known to the public.

Councilmember Thurber agreed that discussion of this issue is important, but felt that bringing it up now is politicizing Council and that candidates have plenty of opportunities to make their positions known via other forums. Councilmember Roccaforte expressed agreement with Councilmember Thurber comments.

Because there will soon be new members sitting on Council, Councilmember Flocke felt that discussion of this issue should be put off until after the election.

Councilmember Appleman respected Council's position and stated his motion to schedule workshop(s) over the next month to discuss alternate forms of funding. Councilmember White seconded.

Discussion established April 29, 2010 as an acceptable date for a possible workshop.

Mayor Haley called for a vote as follows: Councilmember Roccaforte, nay; Councilmember Flocke, nay; Councilmember Appleman, aye; Councilmember Thurber, nay; and Councilmember White, aye. Motion failed on a vote of 2-3.

- E. Discuss and consider possible approval of a request to provide ten (10) daily admission passes at no cost to the Wimberley Village Library for use as prizes in the *2010 Summer Reading Program*. (City Administrator)

Councilmember Thurber recused himself from the meeting at this time due to a possible conflict of interest.

City Administrator recommended approval of this request and noted approval of similar past requests.

Discussion addressed the Wimberley Village Library's status as a taxing entity, the City's approval of free Blue Hole passes for past summer reading programs, and potential impact on revenue as other organizations may make similar requests.

Councilmember Appleman moved to approve the item as presented. Councilmember Flocke seconded. Motion carried on a vote of 4-0.

Councilmember Thurber rejoined the meeting at this time.

- F. Discuss and consider possible action setting the date for a volunteer appreciation event to recognize members of the City's various boards and commissions and others who have volunteered time to assist the City of Wimberley. (Place Four Councilmember Steve Thurber)

Councilmember Thurber felt that recognition and appreciation should be shown for those who volunteer time and services to the City. Various examples of different types of events were discussed.

Councilmember Thurber moved to direct staff to proceed with exploring ideas for volunteer recognition, including encouragement of Council's input to staff. Councilmember Flocke seconded. Councilmember Appleman asked whether Fourth of July would be good time to schedule such an

event. Discussion generally favored holding the event earlier in the year, preferably before the May 8, 2010 General Election.

Motion carried on a vote of 5-0.

## 6. City Council Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson reported on U.S. Census deadlines, availability of forms, and the City's role in providing space for a Census assistance center. Councilmember Flocke enlisted the media's support in encouraging full public participation in returning Census questionnaires.

As a future agenda item, Councilmember Thurber suggested the possibility of commissioning public art for the newly built wall in front of the Wimberley Community Center and inclusion of local art students as contributors to such an effort. Concerns included TxDOT's position on any potential artwork and its consistency with Wimberley's character.

Hearing no further announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 8:00 p.m.

**Adjournment:** Council meeting adjourned at 8:00 p.m.

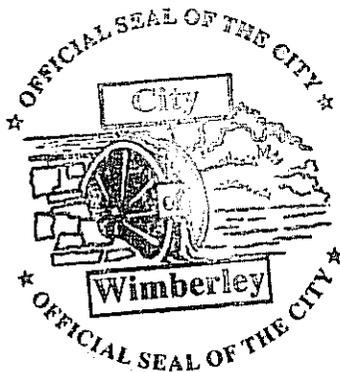
Recorded by:

*Cara McPartland*

Cara McPartland

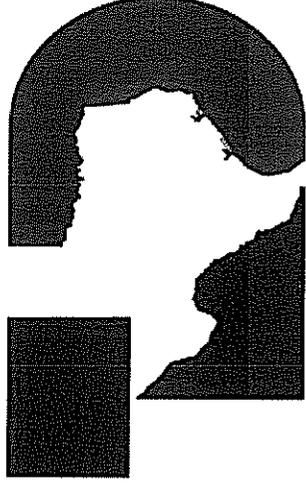
These minutes approved on the 15th of April, 2010.

**APPROVED:**



*Tom Haley*  
Tom Haley, Mayor

# Presentation to the City of Wimberley



**TEXAS DISPOSAL SYSTEMS**



# Presentation Overview

- Introduction
- History with the City of Wimberley
- Changes in Technology
- New service options
- Proposal
- Conclusion

# Introduction: Company History and Operations



TEXAS DISPOSAL SYSTEMS

- TDS is owned by brothers, Bobby and Jimmy Gregory, and has been in business since 1977
- TDS employs over 500 employees throughout Texas
- TDS operates the TDS landfill in Creedmoor, TX and the Alpine landfill for the City of Alpine
- TDS has hauling operations in Georgetown, Austin, San Antonio, Sealy, and Alpine. TDS currently has contracts with 25 cities in Texas.

# Introduction: TDS Awards



TEXAS DISPOSAL SYSTEMS

- The TDS landfill was awarded the SWANA (Solid Waste Association of North America) Gold Level award signifying it as the best landfill in North America for 2008.
- TDS was awarded the American Motor Association 1<sup>st</sup> place award for safety for 2008. TDS and affiliated companies' trucks drove over 9.5 million miles without a single reportable DOT accident. This is equivalent to over 19 roundtrips to the moon.





# History with the City of Wimberley

- TDS began servicing Wimberley in January 2006
- TDS and IESI both submitted bids to service Wimberley and although TDS was not the cheapest, the council felt our proposal was the overall best value for the City
- TDS purchased specialized small trucks that service limited access streets
- TDS gave the City three rates depending on how many residents started service. We started the city at the middle tier. After one year and only 750 residential units starting service, the rate was adjusted to the current tier.
- IESI pulled their cans a month early which caused us to scramble to service the City early.
- We support several community projects including The Lions Club, Ducks Unlimited, Senior Citizens New Years Eve party, Keep Wimberley Beautiful etc.



# Additions in Technology



TEXAS DISPOSAL SYSTEMS

- TDS employs a unique combination of technology on our trucks which gives TDS and the City real time access to service data as well as customized reporting to the city
- Color Windows XP wireless on-board computer in each truck with Routeware routing software
- Real time modems
- RFID verification for each container
- This allows TDS to show the current location of each truck, where it has traveled, containers services by time, and verify service delivery.



# New Service Options

## Benefits of Single Stream Recycling

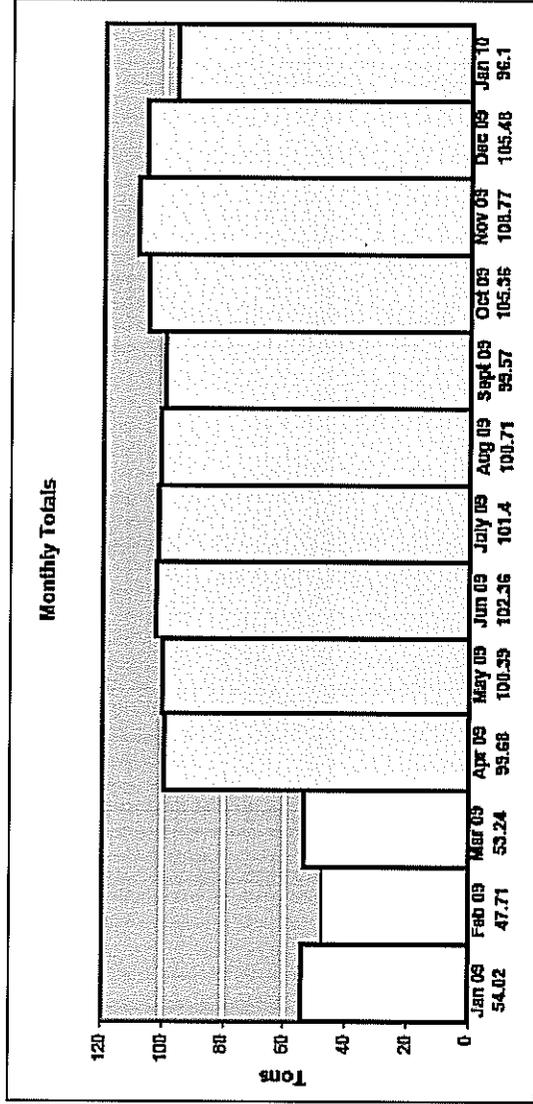
- Single Stream Recycling would allow your residents to recycle greater volumes and more types of materials.
- In addition to the current list of recyclable materials, Single Stream Recycling allows you to recycle plastics #3-#7, cardboard, boxboard, magazines, and junk mail.
- Single Stream Recycling utilizes a 96-gallon cart with wheels, making recycling easier, and a lid keeping materials dry.
- Data has shown the recycling participation increases by around 50% and trash volumes are reduced.



# San Marcos Recycling Totals in Tons

Jan 09	Feb 09	Mar 09	Apr 09	May 09	Jun 09	July 09	Aug 09	Sept 09	Oct 09	Nov 09	Dec 09	Jan 10
54.02	47.71	53.24	98.68	100.39	102.36	101.4	100.71	99.57	105.36	108.77	105.48	96.1

2009 Average 3 Months Prior to Single Stream      51.88  
 Single Stream Average    101.982  
 Single Stream Percentage Increase                              97.42%



▬ prior to Single Stream  
 ▨ = Single Stream



## City Wide Clean Up

- Curbside Service options
- Central Location bulk drop off options



## Value Added at the Same Rate

- TDS is offering these additional services at the same rate.
- Rate would be constant through December 2011 with an annual 5% rate adjustments thereafter.



# Conclusion



TEXAS DISPOSAL SYSTEMS

We hope that as partners TDS and the City of Wimberley can work together to come to an agreement and extend the current contract.



### San Marcos Single Stream Participation Rate

