

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
May 19, 2016 at 6:00 p.m.

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

Mayor McCullough 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 Gibson Trapp, and John White. Councilmember Gary Barchfeld was absent.

Staff Present: City Administrator Don Ferguson & City Secretary Cara McPartland

Citizens Communications

Mike Crowley of 413 Hidden Valley requested an in-depth review of progress on the completion of the Hidden Valley low water crossing. He recognized the City's efforts toward reconstruction, but said having to use an alternate route adds about forty miles per day to his travel. He expressed disappointment regarding the lack of conversation on this matter and asked if the project contractor could attend a Council meeting in order to address concerned residents. He said with the right amount of focus and attention by the people spending the money any project could be expedited. He recognized City Administrator Ferguson's help on getting this project completed and offered to provide support for the project review.

Pedernales Electric Cooperative (PEC) representative Diana Gonzalez provided information on PEC's annual membership meeting to be held Saturday, June 18, 2016 at 10:30 a.m. in Dripping Springs. She highlighted the schedule of events, including Board election voting, food/refreshments, family-friendly activities, and door prizes.

1. Consent Agenda

- A. Approval of minutes of the Special City Council meeting of May 3, 2016
- B. Approval of minutes of the Regular City Council meeting of May 5, 2016
- C. Approval of minutes of the Special City Council meeting of May 13, 2016
- D. Approval of minutes of the Special City Council meeting of May 13, 2016 (*Second Meeting*)
- E. Approval of April 2016 Financial Statements for the City of Wimberley
- F. Approval of a resolution designating Mayor Mac McCullough and City Administrator Don Ferguson as the City of Wimberley's authorized representatives for matters relating to the Texas Local Government Investment Pool ("Texpool/Texpool *Prime*")

Councilmember White moved to approve all Consent Agenda items, as presented. Councilmember Trapp seconded. Motion carried on a vote of 4-0.

2. Discussion and Action on Election Related Matters

- A. Consider approval of a resolution of the City Council of the City of Wimberley, Texas recognizing the public service rendered by Cindy Anderson as Mayor Pro Tempore and a City Councilmember of the City of Wimberley, Texas. *(Mayor Mac McCullough)*
- B. Consider approval of a resolution of the City Council of the City of Wimberley, Texas recognizing the public service rendered by Pam Showalter as a City Councilmember of the City of Wimberley, Texas. *(Mayor Mac McCullough)*
- C. Consider approval of a resolution of the City Council of the City of Wimberley, Texas recognizing the public service rendered by Steve Thurber as Mayor, Mayor Pro Tempore and a City Councilmember of the City of Wimberley, Texas. *(Mayor Mac McCullough)*

Councilmembers Cindy Anderson and Pam Showalter were not present.

Mayor McCullough commended former Mayor Steve Thurber and presented him with the resolution. Mayor Thurber accepted the resolution and said it has been an honor and pleasure to serve for the last eight years.

Councilmember Fore moved to approve the resolutions (Agenda Items 2A, 2B, and 2C), as presented. Councilmember White seconded. Motion carried on a vote of 4-0.

- D. Consider approval of an appointment of Mayor Pro Tempore for a term of one (1) year. *(Mayor Mac McCullough)*

Mayor McCullough explained the requirement that Council appoint a Mayor Pro Tempore.

Councilmember Trapp moved to appoint John White as Mayor Pro Tempore for a term of one (1) year. Councilmember Dussler seconded. Motion carried on a vote of 3-0, with Councilmember White abstaining.

3. City Administrator Report

City Administrator Ferguson thanked former Mayor Thurber for all he has done for the community and for City staff.

City Administrator Ferguson introduced City Marshal/City Sanitarian Kyle DeHart and Assistant City Administrator/City Secretary/Municipal Court Clerk Cara McPartland and provided information on their professional/educational backgrounds and duties.

City Administrator Ferguson reported on challenges encountered with reconstruction of the Hidden Valley low water crossing, specifically bidding/re-bidding of the project, the lack of

plans for the destroyed bridge necessitating engineering studies, and some minor right-of-entry issues. He anticipated completion of construction in late summer/early fall of this year and said the contractor will be present at Council's next meeting. He noted that there will be a meeting with Hidden Valley residents before project design is finalized.

City Administrator Ferguson reported that there will be a meeting scheduled with affected property owners regarding the River Road restoration project. He provided design details and anticipated bidding on the project to occur within the next thirty days.

Addressing Mike Crowley's earlier comments, Mayor McCullough offered to have City Council meet with Hidden Valley residents at a to-be-determined location in their neighborhood on the low water crossing reconstruction project. Mr. Crowley said he would be glad to facilitate such a meeting.

- Status report on correspondence with the Texas Attorney General relating to the Twin Mountain Manor litigation

City Administrator Ferguson read the full text of the letter that was sent by Mayor McCullough to Texas Attorney General Paxton encouraging his office's involvement in the referenced litigation and recognizing the importance of Twin Mountain Manor as matter of public interest and its role as a senior housing option for the community. City Administrator Ferguson replied affirmatively to Mayor McCullough's request that the subject letter be placed on the City's website.

- Status report on sales tax collections for the City of Wimberley

City Administrator Ferguson reported that this month's check, representing March collections, totaled \$89,962, down two percent (2%) from the same period last year. Year-to-date collections are up sixteen percent (16%) and running well ahead of budget.

- Status report on Merritt Starlight Senior Housing Project

City Administrator Ferguson reported that developers have submitted an amendment to the existing Wimberley Planned Development District (WPDD), which is anticipated to be heard by the Planning and Zoning Commission and City Council in June. He advised that the review and ratings process is underway with Texas Department of Housing and Community Affairs (TDHCA) regarding possible tax credits for the project.

- Status report on operation of the Blue Hole Regional Park

City Administrator Ferguson reported on May and summer season dates/hours of operation and on seasonal staffing efforts.

- Status report on 2015 Flood Recovery

City Administrator Ferguson reported on the community-wide commemorative event to be held Saturday, May 21st at EmilyAnn Theatre, thanked event sponsors, and encouraged attendance at the event, which will include a ceremony hosted by Mayor McCullough, a free community picnic, music, and fellowship.

City Administrator Ferguson reported on the status and location of River Road closure(s) due to water over the road from recent rains and provided peak flow data.

Brief discussion addressed food and volunteering opportunities for the May 21st commemorative flood event.

4. Presentation

Presentation by Dean Ouellette of Airvac Systems regarding wastewater vacuum collection systems. (*Mayor Mac McCullough*)

Mayor McCullough said this is an item he has pushed for and wants to see it given a fair shot. He noted an agenda item later in this meeting to appoint an ad hoc wastewater review committee, which he said will be tasked with looking at issues such as the cost of a vacuum collection system versus a gravity collection system. He introduced Dean Ouellette of Airvac Systems, said no cost estimates have been requested at this time, and asked that people remain neutral in their judgments on this issue.

Airvac Systems representative Dean Ouellette thanked Council and gave a presentation on the following: early vacuum systems; vacuum applications; main vacuum system components; valve pit packages; vacuum main pipe materials; vacuum system layout; liquid transport variations; vacuum main profile/installation compared to gravity systems; vacuum main testing; vacuum station design details; and Airvac construction advantages and services, including system start-up, operations, and operator training.

Mayor McCullough asked that Council members attend a meeting with Alan Plummer Associates, Inc. in order to be informed about conventional gravity collection systems.

Discussion among Mr. Ouellette, Council, City Administrator Ferguson, and audience members included:

- Amount and processing of sludge
- Typical failure points at valves
- Owner of collection point and gravity line
- Location(s) of existing Airvac vacuum system operating in closest proximity to Wimberley
- How to maintain the integrity of the vacuum system; leak repair procedures
- Noise and odor control
- Previous presentations to Council on conventional gravity systems
- Comparison of gravity versus vacuum collection systems, including differences in construction, maintenance, operation, and associated costs

- Concerns regarding disruption of businesses during system construction
- Ability to shut down system in flood events

After Agenda Item No. 5, Mr. Ouellette continued by concluding his presentation with a video on vacuum collection systems.

5. Ordinance

Consider approval of an ordinance of the City of Wimberley, Texas, repealing Ordinance No. 2016-006; amending City of Wimberley Ordinance No. 2006-010, "Code of Ethics"; and providing findings of fact, savings, severability, repealer, effective date, and proper notice and meeting. (*Mayor Mac McCullough*)

Mayor McCullough stated he voted against the subject ordinance because he felt it unnecessary given that the City's Ethics Commission has the ability to accept and act upon complaints. He questioned whether there has ever been any material or financial harm done to the City from not having this ordinance in place and asked Council to consider its repeal.

Councilmember White said he voted against approving Ordinance No. 2016-006, which he felt was unnecessary due to the Ethic Commission's ability to take care of ethics complaints and moved to approve repealing Ordinance No. 2016-006. Brief discussion between Mayor McCullough and Councilmember White addressed procedural questions on the timing of motions and Council discussion. Mayor McCullough opened Council discussion.

Councilmember Trapp asked if Council is already prohibited from disclosing information from Executive Sessions, regardless of Ordinance No. 2016-006. Mayor McCullough replied affirmatively and stated as a general policy it is safest not to say anything.

Councilmember White asked what exactly the proposed ordinance is amending and City Administrator Ferguson advised that the proposed ordinance repeals Ordinance No. 2016-006 in its entirety. Councilmember White did not see the need for Ordinance No. 2016-006, as ethics complaints and violations are already covered by the Ethics Commission.

Councilmember Dussler said he voted in favor of Ordinance No. 2016-006 due to the importance of understanding that information discussed in Executive Session is not to be disclosed and said his feelings are unchanged.

Councilmember Fore stated he had no opinion, but felt there is no need for an extra layer of protection. Councilmember Trapp concurred with Councilmember Fore.

Mayor McCullough agreed with comments from Councilmembers White, Trapp, and Fore, said there will be an in-depth briefing held in June by the City's attorneys that will include information on this issue, and entertained a motion.

Councilmember White moved to approve the ordinance repealing Ordinance No. 2016-006, as presented. Councilmember Fore seconded.

Mayor McCullough called for a vote as follows: Councilmember Dussler, nay; Councilmember Fore, aye; Councilmember Trapp, aye; and Councilmember White, aye. Motion carried on a vote of 3-1.

6. Discussion and Possible Action

- A. Discuss and consider action regarding a proposal to temporarily stop work on the *Central Wimberley Wastewater Project*. (Mayor Mac McCullough)

This item was heard after the conclusion of Agenda Item No. 4 (video presentation by Airvac representative Dean Ouellette).

Mayor McCullough entertained a motion to pull this item and table until Council's meeting on July 7, 2016.

Councilmember White moved to table this item until Council's meeting on July 7, 2016. Councilmember Trapp seconded. Motion carried on a vote of 3-1. Councilmember Dussler voted against.

- B. Discuss and consider action regarding a proposal to create an ad hoc wastewater review committee. (Mayor Mac McCullough)

Mayor McCullough stated he ran on the promise to review the cost of the wastewater system and asked that Council members not share the contents of a letter received regarding intent to sue. He explained his intent in tabling Agenda Item 6A was not to "pause" the sewer system, but to have the ad hoc committee conduct its review concurrently while Alan Plummer Associates continues its work already underway. He stressed the ad hoc committee will have no more than thirty (30) days to complete its review. Mayor McCullough stated he is not ready to release the names of committee appointments tonight, but said those names will include some Water Wastewater Advisory Board members, as well as other responsible individuals who are well-known to the community. In response to Mayor McCullough's inquiry on how to proceed with committee formation and appointments, City Administrator Ferguson replied that a motion could be made to form the ad hoc committee, with appointments of members to be made at a later date.

Councilmember Dussler read from prepared comments reviewing the lengthy public process undertaken by the City to date toward achieving a central wastewater system. He expressed concerns that continuing review of the project carries significant risks to the project's timeframe and financing. He felt that tonight's request to form an ad hoc committee is ill-conceived. He stressed four areas that pose significant time and financial risks and issues: the permit process, financing, project engineering, and the City's application for a U.S. Economic Development Administration (EDA) grant. He stated that delaying the project could incur substantial additional costs to be borne on the back of system users. Councilmember Dussler believed that the City needs to proceed with the gravity system that has been recommended and approved several times and get underway now.

Mayor McCullough suggested a 45-day timeframe for the ad hoc committee to meet, make recommendations, and for Council to act on those recommendations.

Councilmember Trapp moved to create an ad hoc wastewater review committee with members to be appointed by Mayor McCullough. Councilmember White seconded. Motion carried on a vote of 3-1. Councilmember Dussler voted against.

C. Discuss and consider regarding a proposal to create a Budget Advisory Board. (*Mayor Mac McCullough*)

Mayor McCullough stated he wanted to re-establish a Budget Advisory Board comprised of four to five people from the community to look at the budget from a different perspective.

City Administrator Ferguson stated that tonight's action would be to create the Budget Advisory Board with appointments to be made at Council's next meeting.

Councilmember Dussler moved to approve creation of a Budget Advisory Board. Councilmember Trapp seconded. Motion carried on a vote of 4-0.

D. Discuss and consider action regarding a proposal to increase the length of the term for members of the City of Wimberley Planning and Zoning Commission from two (2) years to three (3) years. (*Mayor Mac McCullough*)

Mayor McCullough stated that the Planning and Zoning Commission is the City's most complex, important commission, and hoped to de-politicize appointments and ensure stability with the proposed increased term length.

Discussion addressed how to deal with existing terms, rotation schedule, and staggering of terms.

City Administrator Ferguson explained that a change to the Commission's term length requires a revision of the City's Zoning Code, which triggers the need to draft an ordinance subject to public notification and for public hearings to be held by the Planning and Zoning Commission and by City Council.

Councilmember Fore moved to approve direction to staff to draft an ordinance to increase the length of the term for members of the City of Wimberley Planning and Zoning Commission from two (2) to three (3) years. Councilmember Trapp seconded. Motion carried on a vote of 4-0.

Mayor McCullough said he favored similar action for the City's other boards and commissions.

E. Discuss and consider action regarding a proposal to request the transfer of the Capital Area Metropolitan Planning Organization's funding commitment for the planning and design of improvements at the intersection of FM 3237 and Ranch Road 12 from the City of Wimberley to the County of Hays. (*City Administrator*)

City Administrator Ferguson provided background information on the project's design and financing, and stated this proposal would lessen the up-front financial burden on the City. He said Council authorization is needed to request Capital Area Metropolitan Planning Organization (CAMPO) to transfer the City's funding allocation to Hays County, which in turn would enter into the required advance funding agreement with TxDOT. The City would then enter into an interlocal agreement with Hays County relating to project management and any required matching funds.

Discussion established that the City's Transportation Advisory Board (TAB) will maintain an active voice in the project's final design and is supportive of this proposal and addressed certain specific design features such as turn/acceleration lanes and sidewalks.

Councilmember White moved to approve the proposal to request the transfer of the Capital Area Metropolitan Planning Organization's funding commitment for the planning and design of improvements at the intersection of FM 3237 and Ranch Road 12 from the City of Wimberley to the County of Hays, as presented. Councilmember Fore seconded. Motion carried on a vote of 4-0.

Mayor McCullough called a recess at 8:37 p.m.

Mayor McCullough reconvened the meeting at 8:40 p.m.

- F. Discuss and consider action regarding a proposal to lease a restroom trailer for a public restroom on the Wimberley Square. (*Mayor Mac McCullough*)

Mayor McCullough favored an additional restroom trailer until there is a central sewer system in place. He felt that it should be placed on the Oak Drive side of the Square.

City Administrator Ferguson presented the following information:

- 12-month lease for a two-toilet trailer at approximately \$1,250 per month, with the City responsible for pumping at least once per week at a cost of \$150 per pumping
- Total annual cost of approximately \$35,000 for trailer lease, pumping, utilities, and labor
- Maintenance would be provided by City park staff
- Purchase price for a new trailer approximately \$25,000 (not including pumping costs)

Discussion addressed "buy-in" from downtown merchants, timeframe for delivery, utilities hook-up, and buying versus renting the trailer.

Councilmember White moved to proceed with the proposal to lease a restroom trailer for use as a public restroom on the Wimberley Square, with formal authorization to be placed on Council's next agenda. Councilmember Trapp seconded. Motion carried on a vote of 4-0.

- G. Discuss and consider approval of the Blue Hole Regional Park Improvement Naming Agreement with Marianne Payne. (*City Administrator*)

City Administrator Ferguson recommended approval of the naming agreement, which would change the name of the Buckeye Trail to the “Marianne Payne Family Buckeye Trail,” in return for a \$20,000 donation to the Friends of Blue Hole.

Councilmember Fore moved to approve the naming agreement, as presented. Councilmember Dussler seconded. Motion carried on a vote of 4-0.

H. Discuss and consider possible action regarding a request to operate a food service trailer at 14306 Ranch Road 12 in Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson stated the applicant is proposing to serve roasted corn out of a specially equipped mobile food service trailer to be placed at 14306 Ranch Road 12. He noted the applicant plans to use existing on-site restrooms and parking.

Councilmember White moved to approve the request to operate a food service trailer at 14306 Ranch Road 12, as presented. Councilmember Trapp seconded. Motion carried on a vote of 4-0.

I. Discuss and consider possible action designating the Mayor, Mayor Pro Tempore and City Administrator as authorized signatories on the City of Wimberley depository bank accounts. (*City Administrator*)

City Administrator Ferguson recommended approval of this item to designate the Mayor, Mayor Pro Tempore and City Administrator as authorized signatories on the City of Wimberley depository bank accounts.

Councilmember Trapp moved to approve designating the Mayor, Mayor Pro Tempore and City Administrator as authorized signatories on the City of Wimberley depository bank accounts, as presented. Councilmember Fore seconded. Motion carried on a vote of 4-0.

7. City Council Reports

- Announcements
- Future Agenda Items

Mayor McCullough gave reminders about Council’s upcoming meeting at Alan Plummer Associates, Inc. and the flood commemorative and community clean-up events to be held this Saturday, May 21, 2016.

City Administrator Ferguson pointed out that Councilmember Barchfeld stressed for the record that his absence tonight was due to a previous obligation to attend a very important family event that he promised would not be missed.

As future agenda item requests: Councilmember Fore asked for consideration of earlier agenda postings and Councilmember Trapp requested future consideration of the keeping of hens.

Discussion established that Council typically holds an annual workshop on goals and objectives in early summer. Mayor McCullough offered possible workshop timeframe/locations and highlighted workshop procedures.

Councilmember Fore requested future consideration of recognition for those who serve on City boards and commissions.

Hearing no further announcements or future agenda items, Mayor McCullough called the meeting adjourned.

Adjournment: Council meeting adjourned at 9:00 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 2nd of June, 2016.

APPROVED:



Herschel "Mac" McCullough, Mayor

