

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
September 18, 2014 at 6:00 p.m.

City Council meeting called to order at 6:03 p.m. by Mayor Steve Thurber.

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

Councilmembers Present: Mayor Steve Thurber, Councilmembers Tom Talcott, Cindy Anderson, Pam Showalter, and John White. Councilmember Matt Meeks was absent.

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

Citizens Communications

No citizen comments were heard.

Proclamation

- A. A proclamation of the Mayor of the City of Wimberley, Texas proclaiming the month of October 2014 as National Domestic and Teen Dating Violence Awareness Month in Wimberley, Texas.

Mayor Thurber presented the proclamation to Hays County Sheriff's Deputy Tom Ormsby and Hays Caldwell Women's Center representative Christina Sohl, who commented on the importance of community support and raising public awareness of these under-reported crimes.

- B. A proclamation of the Mayor of the City of Wimberley, Texas proclaiming Tuesday, October 7, 2014 as National Night Out in Wimberley, Texas.

Mayor Thurber presented the proclamation to Hays County Sheriff's Deputy Tom Ormsby, who thanked the City of Wimberley for its support and spoke on National Night Out events and activities.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of September 4, 2014
- B. Approval of minutes of the Special City Council meeting of September 11, 2014
- C. Approval of the appointment of James Loving as City Marshal for the City of Wimberley.
- D. Approval of the August 2014 Financial Statements for the City of Wimberley.

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

Mayor Thurber administered the oath of office to newly appointed City Marshal James Loving (*see above Consent Agenda Item 1C*) and welcomed him to Wimberley. Marshal Loving spoke on his professional background and was excited about relocating to the Hill Country.

2. City Administrator Report

- Status report sales tax collections for the City of Wimberley

City Administrator Ferguson reported that the City's September sales tax check, representing July collections, totaled approximately \$55,000, up twenty-three percent (23%) from the same period last year.

- Status report on Cypress Creek water quality issues

City Administrator Ferguson reported on several specific locations with elevated readings along Cypress Creek and noted that the City will be conducting its own testing, with updates to follow.

- Status report on the operation of the Blue Hole Regional Park

City Administrator Ferguson reported on September end-of-season Park operating dates/times, total swimming area attendance of approximately 42,000 visitors to date this season, upcoming October events, and rental activity.

- Status report on *The Central Wimberley Wastewater Project*

City Administrator Ferguson reported on finalization of the loan application to be submitted to the Texas Water Development Board (TWDB) for construction of a central Wimberley wastewater system. He noted the timeframe and procedures for public comments/review and release of funding.

In addition, City Administrator Ferguson advised that a brief special Council meeting will be scheduled before the end of September to address year-end financial issues. He also noted that the proposed Central Wimberley Master Plan will be presented to the Planning and Zoning Commission on September 25th to be followed by a public hearing and Commission recommendation to Council. He highlighted the public input process, upcoming meetings, and timeframe for Council action on the Plan.

3. Resolutions

- Consider approval of a resolution of the City Council of the City of Wimberley, Texas, adopting the City of Wimberley Budget for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015. (*City Administrator*)

City Administrator Ferguson advised that no changes have been made to Budget since Council's last meeting on September 4, 2014.

Councilmember Talcott moved to approve the City of Wimberley Budget for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015, as presented. Councilmember White seconded. Mayor Thurber called for a vote as follows: Councilmember Talcott, aye; Councilmember Anderson, aye; Councilmember Showalter, aye; Councilmember White, aye. Councilmember Meeks was absent. Motion carried on a vote of 4-0.

- B. Consider approval of a resolution of the City Council of the City of Wimberley, Texas, requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application for assistance; and making findings in connection therewith. (*City Administrator*)

City Administrator Ferguson reviewed various timeframes to submit a loan application to the TWDB and recommended submitting the application by the September 22nd deadline, as opposed to waiting until May 2015. He emphasized that the estimated loan amount of \$5,500,000 can be adjusted later, if necessary, once firmer cost estimates are developed. He noted that to fund the project, the City intends to issue Revenue Bonds with a pledge of utility revenues from system users and revenue from the sale of effluent for reuse.

Discussion addressed the projected loan amount, the permitting/review process, timeframe for loan closure, possible design changes that might affect project costs, review of public comments, and most effective time for submission of loan application.

Councilmember Showalter moved to approve the resolution, as presented, *except* for the following italicized change to Section 1: “. . . in an amount not to exceed *\$5.5 million* to provide for the costs of constructing a wastewater treatment system to serve the central area of Wimberley.” Councilmember Anderson seconded. Motion carried on a vote of 4-0.

- C. Consider approval of a resolution of the City Council of the City of Wimberley, Texas, requesting the Texas Commission on Environmental Quality (TCEQ) include language in the draft permit for the City's proposed wastewater system detailing the conditions that must exist for treated effluent to be discharged into the Blanco River. (*City Administrator*)

Mayor Thurber requested that Council continue action on this item until Councilmember Meeks can be present to participate in discussion and action.

Wimberley resident Gail Pigg requested more detailed information on this item.

City Administrator Ferguson stated that the proposed language amendment is in response to public concerns expressed about the possibility that future City Councils might alter the discharge plan and increase the volume and frequency of effluent discharge. To address those concerns, the subject resolution requests that TCEQ consider including the following language in the City's draft wastewater discharge permit:

“The daily discharge shall not exceed 75,000 GPD in the interim phase and not more than 100,000 GPD in the final phase. Applicant shall only discharge treated effluent into Blanco River if:

- 1. The land to be surface irrigated is frozen or saturated and the on-site effluent storage tank is full and/or unavailable.*
- 2. When the Blanco River is flowing at an acceptable rate as determined by TCEQ.”*

He explained that if such language is included in the permit and the permit is approved, a future City Council could not increase the volume or frequency of effluent discharged without a TCEQ-approved permit amendment.

Gail Pigg spoke on the scope of the public comments received to date contesting the permit, including comments on location of the proposed plant, type of permit sought by the City, and utilizing Aqua Texas. She expressed concerns about possible runoff due to lack of soil to absorb discharge and future plant expansion that she felt could lead to an effluent-dominated creek. She stated downstream property owners are not going to accept a discharge permit.

Mayor Thurber said that runoff from the plant would go into Deer Creek, which runs into the Blanco River, not into Cypress Creek. He noted that Council has followed the recommendations of the Central Wimberley Wastewater Stakeholder Committee that Ms. Pigg served on. Due to existing conditions, he did not favor delaying action.

Councilmember Anderson favored inclusion of the language to ensure that future Councils cannot change the discharge plan without going through the TCEQ approval process. She hoped that the proposed language will show that the City is committed to developing wastewater service as safely and cleanly as possible. She stated that doing nothing is not an option, especially if the City faces future mandates to deal with wastewater. She favored conservation through use of effluent for irrigation and via “purple piping” for reuse of non-potable water.

Councilmember Showalter did not favor the Aqua Texas option due to negative feedback received on its poor records of customer service and environmental stewardship.

Due to Councilmember Meeks’ absence, as stated earlier, Mayor Thurber advised that no action will be taken on this item.

4. Discussion and Possible Action

- A. Discuss and consider possible action approving the routes for the *2014 Spirit of Texas Bike Ride* event on Sunday, October 5, 2014, and authorizing the placement of route identification signage within the City right-of-way. (*City Administrator*)

This item was heard after Agenda Item 4F.

City Administrator Ferguson reviewed the routes for the event sponsored by the Wimberley High School Band Booster Club. He noted signage placement/removal, traffic control, and insurance for the ride is provided by event organizers and recommended approval.

Councilmember White moved to approve the item, as presented. Councilmember Talcott seconded. Motion carried on a vote of 4-0.

- B. Discuss and consider possible action approving a proposed fee waiver and reduction policy for the Blue Hole Regional Park. (*City Administrator*)

City Administrator Ferguson detailed the draft policy per Council's prior direction, which authorizes the Park Manager to waive or reduce facility use and gate admission fees in accordance with the following criteria:

1. All fee waiver/reduction requests must be submitted in writing and on a City of Wimberley fee waiver/reduction request form.
2. The Park Manager may approve or deny fee waiver or reduction requests with a cash value not to exceed \$180.
3. Waiver/reduction requests will be considered only from registered non-profit organizations, institutions, organizations and associations exclusively engaged in or devoted to charitable, religious, scientific, literary, educational, public or other like work.
4. The event for which a fee waiver or reduction is requested must be open to public participation.
5. Only one request per calendar year may be granted to any particular non-profit entity.
6. The Park Manager shall provide the City Administrator with an annual accounting of fee waiver/reduction requests granted to qualifying entities, including the cash value of each waiver or reduction.

Discussion addressed reasoning for setting a \$180 threshold for administratively handled requests, maximum annual waiver amount, possible creation of a non-profit rate, raising the threshold of \$180 to \$250, need for policy updates due to future fee changes, differing fees and capacity limitations for each type of facility, projected number of waiver requests, and private versus non-profit rental activity.

Councilmember Talcott moved to approve the policy, as presented, with the following revision to No. 2 of the above stated criteria: "The Park Manager may approve or deny fee waiver or reduction requests with a cash value not to exceed ~~\$180~~ \$250." Councilmember Showalter seconded. Motion carried on a vote of 4-0.

- C. Discuss and consider possible action allocating the FY 2014 City of Wimberley Community Support Fund. (*City Administrator*)

City Administrator Ferguson presented information submitted by the following four respondents to the City's request for funding:

- Hays Caldwell Women's Center

- Wimberley Adoption Group and Rescue (WAG)
- Hays County Food Bank
- Barnabas Connection

Based on staff's review of the applications, City Administrator Ferguson advised that all four organizations qualify for funding and recommended that Council allocate \$1,200 to Hays-Caldwell Women's Center and \$600 each to WAG, Hays County Food Bank, and Barnabas Connection.

Discussion addressed criteria for the recommended allocation and types of services provided by each organization.

Audience member Janette Barlow offered to answer questions about the Barnabas Connection.

Councilmember Showalter moved to approve the item, as presented. Councilmember Anderson seconded. Motion carried on a vote of 4-0.

- D. Discuss and consider possible action designating a depository for the City of Wimberley and authorizing the City Administrator to execute the depository agreement. (*City Administrator*)

City Administrator Ferguson advised that bids were received from Ozona National Bank (ONB) and Pioneer Bank Dripping Springs (Pioneer). Although fees and interest rates are comparable, the most notable difference between ONB and Pioneer is that Pioneer does not currently have a branch office in Wimberley. City Administrator Ferguson stated that Pioneer offered a remote deposit service for \$35 per month, however, cash deposits would still require that City staff drive to Pioneer's branch offices in Dripping Springs or San Marcos. Related to the City's request for a three-party agreement, City Administrator Ferguson stated that as with the City's former agreement with ONB, adequate procedures and safeguards exist to provide protection for the City's pledged securities. He recommended approval of the designation of ONB as the City's bank depository and authorization to enter into a three-year depository bank agreement with two (2) successive one (1) year options.

Councilmember White moved to approve the item, as presented. Councilmember Showalter seconded. Motion carried on a vote of 4-0.

- E. Discuss and consider possible action regarding a proposed community outreach plan relating to future street improvements. (*Transportation Advisory Board*)

City Administrator Ferguson explained the plan to enhance communication with residents regarding future street improvements. He advised that the City's Transportation Advisory Board (TAB) is proposing a series of community meetings between now and May 2015. He stated that public meetings will be held in each of nine (9) districts, with a final community meeting to be held to allow residents who were unable to attend their district meeting to participate in the public involvement process. He noted that input received from residents will be used by TAB to develop a prioritized street improvement list that will be presented to City Council in late May or

early June of 2015. He detailed specific outreach efforts, including use of social media, which will be in compliance with the City's social media policy.

Councilmember Talcott moved to approve the item, as presented. Councilmember Anderson seconded. Motion carried on a vote of 4-0.

- F. Discuss and consider possible action approving new *Legacy Gift* opportunities for those wishing to make a significant financial contribution to support the Blue Hole Regional Park. (*Friends of Blue Hole*)

This item was heard after Agenda Item 3C.

Friends of Blue Hole Executive Director Laura Kistner presented the following *Legacy Gifts* to help fund future development and maintenance of the Park:

<i>Legacy Gift Opportunity</i>	<i>Amount of Donation</i>
The Lawn at the Swimming Area	\$250,000
The Walkway to the Swimming Area	\$100,000
Interactive Computer Kiosk (3 available)	\$50,000
Tennis Center (entire center; based on a 3-court complex)	\$250,000
Tennis Court (3 available)	\$75,000
Lights (8 available)	\$5,000

Discussion addressed uncertainties surrounding the eventual number of tennis courts that may be developed at the Park and clarification on number of available lights.

Councilmember White moved to approve the item, as presented. Councilmember Showalter seconded. Motion carried on a vote of 4-0.

City Administrator Ferguson expressed appreciation to Ms. Kistner and Friends of Blue Hole for their ongoing support of the Park.

5. City Council Reports

- Announcements
- Future Agenda Items

Councilmember Talcott stated that Gail Pigg is a professional engineer who expresses wastewater-related concerns based on her love of the Wimberley community. He commended her expertise and courage in speaking to Council and felt that Council should not be quick to dismiss her comments. Brief discussion followed on Ms. Pigg's concerns and the permitting public input/response process.

Mayor Thurber thanked everyone who attended the H-E-B groundbreaking ceremony held earlier today.

Councilmember Talcott announced that the flashing warning light at Freeman Ranch Road and Ranch Road 12 is not functioning.

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

Adjournment: Council meeting adjourned at 7:28 p.m.

Recorded by:


Cara McPartland

These minutes approved on the 2nd of October, 2014.



APPROVED:


Steve Thurber, Mayor