

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
September 20, 2012 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Bob Flocke.

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

Councilmembers Present: Mayor Bob Flocke and Councilmembers Tom Talcott, Mac McCullough, Matt Meeks, Steve Thurber, and John White.

Staff Present: City Administrator Don Ferguson

Citizens Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of the minutes of the Regular City Council meeting of September 6, 2012
- B. Approval of the minutes of the Special City Council meeting of September 5, 2012
- C. Approval of the appointment of Mike Moeller to the Wimberley Transportation Advisory Board. *(Mayor Bob Flocke's nominee)*
- D. Approval of the reappointment of Dave Estey to the Wimberley Water Wastewater Advisory Board. *(Place One Councilmember Tom Talcott's nominee)*
- E. Approval of the reappointment of Jason Aldridge to the Wimberley Board of Adjustment. *(Place One Councilmember Tom Talcott's nominee)*
- F. Approval of the reappointment of Dr. Joan Jernigan to the Wimberley Ethics Commission. *(Place One Councilmember Tom Talcott's nominee)*
- G. Approval of the appointment of Scott Martin to the Wimberley Building Code Board of Review. *(Place One Councilmember Tom Talcott's nominee)*
- H. Approval of the August 2012 Financial Reports for the City of Wimberley
- I. Approval of the Fiscal Year 2012 Third Quarter Investment Report.

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

2. City Administrator Report

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

City Administrator Ferguson reported on payment of the final invoice for Park development, the end-of-season schedule/attendance, and revenue from gate admissions (approximately \$32,000 for the current season to date). He reported on rental of the Park's swimming area as a wedding venue this past weekend, decreased landscaping watering schedule, slight overage in permitted pumping for landscaping usage, and monitoring of well level and Cypress Creek depth. He stated that the Parks and Recreation Board will be making a recommendation on possible primitive camping sites at the Park for groups/organizations. He reported that the National Recreation and Park Association (NRPA) recognized the Blue Hole Regional Park as a "focus" park for sustainable site development. He noted that Texas Highways magazine is planning to feature Blue Hole in a spring 2013 article on Texas swimming holes.

- Status report on the operation of the Wimberley Municipal Wastewater Treatment Plant

City Administrator Ferguson reported that levels remain within permit limits. Water quality test results show all ten sites tested were well within acceptable limits, except for one site in the downtown area and one site at FM 1492 and the Blanco River.

- Status report on Old Kyle Road/Ranch Road 12 Improvement Project

City Administrator Ferguson reported on a favorable response from Texas Department of Transportation (TxDOT) indicating that a request has been submitted to rebid the project.

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

City Administrator Ferguson reported that the City's September sales tax check, representing July sales, totaled \$21,753.00, up three percent (3%) from the same time last year. Year-to-date collections are approximately \$574,000, which are seven percent (7%) over the entire amount budgeted for this fiscal year.

- Status report on the celebration of *National Night Out 2012* in Wimberley

City Administrator Ferguson encouraged participation and provided information on a "preview night" event scheduled for 5:30 p.m. on Monday, October 1, 2012 at the Community Pavilion at Blue Hole Regional Park. He reported that various emergency service providers will be at the event, as well as informational booths, activities, and food/refreshments. Mayor Flocke and City Administrator Ferguson encouraged Council to attend *National Night Out* block parties to be held on Tuesday, October 2nd and advised that Council will receive notice of scheduled events.

3. Public Hearing and Possible Action

- A Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas, approving an application for a conditional use permit submitted by Mike Yarborough to allow for a secondary single family residence on an approximately 1.446 acre tract located at 510 South River, Wimberley, Hays County, Texas, zoned Single Family Residential 2 (R-2), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date;

proper notice and meeting; and providing for certain conditions. (*Mike Yarborough, Applicant*)

City Administrator Ferguson explained that the Planning and Zoning Commission was scheduled to hear the conditional use permit (CUP) application on September 13, 2012. However, the Commission did not meet due to lack of a quorum and the case will now be heard by the Commission on September 27, 2012. Due to the aforementioned delay, he recommended that Council continue this item until its next regular meeting on October 4, 2012.

Councilmember White moved to approve continuance of this item, as recommended by City Administrator Ferguson. Councilmember Thurber 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, Texas, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for .56 acres of property located at 400 River Road, Wimberley, Hays County, Texas, designating such property from Commercial - Low Impact (C-1) to Village Inn (VI); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*Purple Crown Investments, Applicant*)

City Administrator Ferguson explained that the Planning and Zoning Commission was scheduled to hear the conditional use permit (CUP) application on September 13, 2012. However, the Commission did not meet due to lack of a quorum and the case will now be heard by the Commission on September 27, 2012. Due to the aforementioned delay, he recommended that Council continue this item until its next regular meeting on October 4, 2012.

Councilmember Thurber moved to approve continuance of this item, as recommended by City Administrator Ferguson. Councilmember Meeks seconded. Motion carried on a vote of 5-0.

4. Resolution

Consider approval of a resolution of the City Council of Wimberley, Texas, adopting the City of Wimberley Budget for the Fiscal Year beginning October 12, 2012 and ending September 30, 2013. (*City Administrator*)

City Administrator Ferguson noted that revisions have been made in accordance with Council's direction provided at its September 6, 2012 meeting.

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

City Administrator Ferguson noted the following revision included in the approved Fiscal Year 2013 Budget: \$5,000 allocated for social service funding (taken from landscaping funds for the delayed Ranch Road 12/Old Kyle Road Improvement Project).

5. Discussion and Possible Action on Issues Relating to the Proposed Provision of Wastewater Service to the Central Area of Wimberley

Mayor Flocke recused himself from the meeting at this time due to a potential conflict of interest.

Mayor Pro-tem White assumed duties as presiding officer.

Mary Kate Brown expressed concerns on the previous mail-outs to property owners that did not contain a specific “opt-out” selection and on current mail-outs that she felt “are perpetuating the misconceptions around this entire project.” She stated there is misinformation circulating in the community on Council’s approval of a resolution expressing support for creation of a Municipal Management District (MMD). She felt that some property owners within the proposed district believed that approval of said resolution created a taxing entity and based on that belief, are signing mailings and choosing the least costly of the options presented. She asked for an educational campaign by the City and felt that informational efforts to date have not been “from a bipartisan perspective.” Ms. Brown stated her discomfort regarding the change of venue/time for recent WCIA meeting(s) to the Wimberley Café, which she said alienates “the people that are trying to be part of the solution, and not part of the problem.”

Mayor Pro-tem White spoke on extensive informational efforts to date and felt that misinformation mostly comes from those who have not educated themselves and/or not attended meetings. Councilmember Thurber suggested delaying discussion of this matter until consideration of Agenda Item 5C.

- A. Discuss and consider possible action designating a preferred option relating to the method of treatment and disposal for a proposed wastewater system to serve the central Wimberley area. (*City Administrator*)

City Administrator Ferguson explained the need to reference a preferred option in its loan application to the Texas Water Development Board (TWDB). He detailed each of the five options presented and noted that Water Resources Management (WRM) recommended Option 3 as the preferred option for wastewater treatment and collection, which includes the following: expansion of the existing package plant; use of a vacuum collection system; disposal utilizing spray irrigation on the Blue Hole Regional Park soccer fields, constructed wetlands, and stream discharge (only to be used as a last resort under extreme conditions).

Wimberley Central Improvement Area (WCIA) representative Steve Klepfer stated that feedback from property owners overwhelmingly reflected preference for the lowest-cost option (Option 4) and provided reasoning for WCIA’s recommendation of Option 4.

Discussion established that the primary difference between Options 3 and 4 is that Option 3 includes discharge to constructed wetlands for secondary disposal.

Councilmember Thurber moved to approve Option 4 as the preferred option relating to the method of treatment and disposal for a proposed wastewater system to serve the central

Wimberley area. Discussion addressed TWDB loan application procedures/timeframe. Councilmember McCullough seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action regarding a proposal that the City of Wimberley participate financially in the development of a wastewater system to serve the central Wimberley area. (*Place Four Councilmember Steve Thurber*)

Councilmember Thurber asked for input on possible mechanisms to allow the City to participate financially, including consideration of an ad valorem (property) tax, special assessments on particular groups, and fees for parking. Discussion addressed:

- The need for public education and community support for City-wide ad valorem taxation
- Use of a portion of City sales tax revenues
- Dedication of revenues generated from increased property values attributed to connection to a central wastewater system
- Short- and long-term capital improvement needs
- Whether system costs should be borne solely by tax on system users versus City-wide ad valorem tax revenues
- Issue of possible double taxation for those property owners already serviced by other providers (such as Aqua Texas)
- Possible implementation of an ad valorem tax for the purpose of capital improvements and not solely for the purpose of a central wastewater system

Mayor Pro-tem White moved that the City should financially participate in a manner to be determined, but should a City-wide ad valorem tax be implemented, revenue from said taxes should not be used to fund a central wastewater system. Councilmember Thurber seconded. Discussion agreed on the City's level of financial participation to be set at a minimum of \$100,000. Councilmember Talcott requested a friendly amendment to Mayor Pro-tem White's motion to include the City's level of financial participation to be set at a minimum of \$100,000. Mayor Pro-tem White and Councilmember Thurber accepted Councilmember Talcott's friendly amendment.

For clarification purposes, City Administrator Ferguson restated the motion that funding of the development of a central wastewater system through a City-wide ad valorem tax is not to be considered at this time and that the city administrator is directed to explore and develop options for City participation in the funding of the system at a level of \$100,000 per year.

Mayor Pro-tem White agreed with City Administrator Ferguson's motion wording, with the following change: ". . .funding of the development of a central wastewater system through a City-wide ad valorem tax is not to be considered ~~at this time~~ to fund a central sewer. . ."

Discussion followed on voting procedures for motions and friendly amendments.

City Administrator Ferguson suggested withdrawal of the original motion and amendments.

Mayor Pro-tem White and Councilmembers Thurber and Talcott withdrew their motion, second, and friendly amendment, respectively.

Mayor Pro-tem White stated a new motion that funding of the development of a central wastewater system through a City-wide ad valorem tax is not to be considered and that City Administrator Ferguson is directed to explore and develop options for City participation in the funding of the system development at a level of \$100,000 per year. Councilmember Thurber seconded.

Mayor Pro-tem White called for a vote as follows: Councilmember Talcott, aye; Councilmember McCullough, aye; Councilmember Meeks, aye; Councilmember Thurber, aye; Mayor Pro-tem White, aye. Motion carried on a vote of 5-0.

- C. Discuss the status of efforts to communicate with central Wimberley property owners regarding the proposed creation of a Municipal Management District (MMD) to help fund the development of a wastewater system to serve the central Wimberley area. (*Wimberley Central Improvement Area*)

WCIA representative Steve Klepfer presented updated loan interest rate information, base monthly rate changes for commercial versus residential system users, and the effect of a \$100,000 per year contribution by the City on user costs. He reviewed LUE-based impact fees, annual tax rate, and monthly commercial/residential user rates. He provided information on WCIA's meeting schedule and location, including ongoing door-to-door discussions with each affected property owner. Mr. Klepfer stated that WCIA recommends the City amend its ordinance language mandating connection to allow for a certain delay period for those property owners who recently spent considerable amounts repairing or replacing their private septic systems. He noted that those who connect at a later time will do so at a higher cost than those property owners who initially connect to the new system.

Discussion provided clarification on various procedures for election/appointment of MMD board members, addressed communications with local legislator(s), percentage of property owners needed to affirm MMD-creation, Council attendance at WCIA meetings, and need for communication with every property owner within the proposed MMD.

After discussion, Mayor Flocke returned to the meeting and assumed duties as presiding officer.

6. Discussion and Possible Action

- A. Discuss and consider possible action on a proposed interlocal agreement between the City of Wimberley and the County of Hall relating to access to Texas Law Enforcement Telecommunications System (TLETS) and authorizing the city administrator and city marshal to execute the agreement. (*City Administrator*)

City Administrator Ferguson explained the need for access to the TLETS database to assist law enforcement and clarified that there are no costs anticipated with the agreement.

Councilmember Talcott moved to approve the item, as presented. Councilmember Meeks seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action amending the Fiscal Year 2012 City of Wimberley General Fund, Wastewater, Municipal Court and Blue Hole Budgets for the purpose of accounting for actual and anticipated expenditures, and declaring the adjustments as a necessity. (*City Administrator*)

City Administrator Ferguson stated that this item will be continued until Council's special meeting to be scheduled for next week (See Agenda Item 7). No vote was taken.

- C. Discuss and consider possible action regarding the Comprehensive Fund Balance Policy and Fund Balance Classification Plan for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson explained the need for review of the Policy and Plan on an annual basis, outlined Plan and Policy objectives/classifications, and noted that no changes in the Policy or Plan are recommended. While an approved classification plan must be in place, he stressed that those classifications can be changed at any time by City Council, with the exception of those funds classified as non-spendable or restricted.

Councilmember White moved to approve the item, as presented. Councilmember Thurber seconded. Councilmember Talcott asked if the classification plan contained a line item for Mill Race Lane. City Administrator Ferguson replied that Council has the ability to designate Mill Race Lane as a restricted expenditure in the Fund Balance. Councilmember Talcott requested a friendly amendment to the motion to have the classification plan reflect a designation for Mill Race Lane. Councilmembers White and Thurber accepted Councilmember Talcott's friendly amendment. At City Administrator Ferguson's recommendation, the original main motion and amendment were withdrawn and a new motion was stated as follows: Councilmember White moved to approve the Policy and Plan, as presented, with the addition of designating Mill Race Lane as a restricted expenditure in the Fund Balance. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action regarding the City of Wimberley Investment Policy. (*City Administrator*)

City Administrator Ferguson explained that State law requires that Council review the Policy on an annual basis. No changes to the Policy are proposed at this time. He recommended approval of the Policy, as presented.

Councilmember Thurber moved to approve the item, as presented. Councilmember Meeks seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider possible action setting the dates for two (2) upcoming City-wide clean ups. (*City Administrator*)

City Administrator Ferguson recommended November 10, 2012 and April 27, 2013 as the proposed dates for consideration.

Councilmember White moved to approve the dates, as recommended. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

It was noted that April 27, 2013 is also scheduled as a community shredding event day.

- F. Discuss and consider possible action regarding a proposal to charge for parking in the City parking lots on the Wimberley Square. *(Place One Councilmember Tom Talcott)*

Councilmember Talcott requested that the City advertise for a vendor to pave the parking lot(s), charge for parking, and pay rent to the City.

Mayor Flocke felt that the City should make repairs/improvements to the lots (including the lot rented by the City), then advertise for a vendor to operate and charge for parking, and have the vendor pay the City a specified amount. He felt that special provisions would be needed because the City has historically encouraged downtown business owners/employees to park in the lots and some business owners even require employees to park in the lots, which frees up parking spaces on the Square. Councilmember Talcott felt that the City needs to look at additional parking areas, such as the Lumberyard. Mayor Flocke advised that the Lumberyard area is privately owned, however, spaces there are utilized by customers and the public. There was discussion of other possible parking locations and consideration of privately-run shuttle service from the former Baptist Church site to downtown. Specifics of parking lot operations were discussed, including different types of self-service operations. Councilmember Talcott agreed to work with City staff to develop a proposal for paid parking.

7. City Council Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson advised that Council will need to hold a special meeting next week and Council members tentatively agreed on Tuesday, September 25th at 5:30 p.m. as an acceptable date/time.

As future agenda items:

Councilmember Talcott requested consideration of the requirement that fifty-one percent (51%) of affected property owners respond in support of the proposed MMD by October 4, 2012.

Councilmember Thurber requested discussion of an employee appreciation dinner.

City Administrator Ferguson thanked Council and the public for their diligence during the budget process.

Councilmember Meeks made an announcement regarding the upcoming FFA fundraising event to be held at the VFW Rodeo Fairgrounds this weekend and encouraged attendance.

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

Adjournment: Council meeting adjourned at 7:39 p.m.

Recorded by:

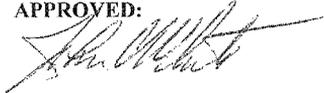


Cara McPartland

These minutes approved on the 4th of October, 2012.



APPROVED:



John White, Mayor Pro-tem