

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

City Council meeting called to order at 6:00 p.m. by Mayor Steve Thurber.

Reverend Tom Tarver, Associate Pastor of Wimberley United Methodist Church, gave the Invocation.

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

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

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

Citizens Communications

Wimberley resident Alice Wightman spoke on the Texas Main Street Program, its purpose, and details of its history and operations. She favored implementing a Main Street program in Wimberley, provided statistics on the economic benefits of “heritage tourism,” and encouraged cooperative efforts between the Wimberley Institute of Culture and the Merchants Association to bring more tourism to Wimberley in the right way, in order to maintain Wimberley’s unique character. She asked that Council consider a Main Street Program for Wimberley and suggested inviting San Marcos’ Texas Main Street Program coordinator to speak before Council on possible participation.

Wimberley resident Gail Pigg requested clarification on the Central Wimberley Master Plan’s section referencing Wastewater Treatment and Collection. She cited the Central Wimberley Wastewater Stakeholder Committee’s recommendation on capacity, limits stated in the Texas Commission on Environmental Quality (TCEQ) discharge permit application, and allowance for plant expansion from 75,000 gallons per day (GPD) to a maximum of 100,000 GPD. She asked when expansion to 100,000 GPD would occur and clarification on costs. She favored projections of wastewater flows based on land uses as specified in the Plan’s vision to ensure that it does not exceed the 75,000 GPD limit. She felt that this projected flow information needs to be included in the Plan and asked for clarification on costs listed in fact sheets posted on the City’s website.

Wimberley resident Lila McCall spoke of emails/letters she received from angry citizens who feel the City has no right to ask them for money for improvements (such as roads) when “you’ve got a deficit of \$800,000.” She said citizens are upset about the costs of continuing litigation and the master plan. She told Council “you’re elected for the welfare of the citizens.” Ms. McCall spoke on a request made to Texas Parks and Wildlife Department to make Cypress Creek a

navigable stream and recent correspondence with state officials. She felt Council should not do anything to jeopardize development of the central wastewater system and to make fiscal responsibility a priority. Ms. McCall favored delaying action on the master plan for six months, asked Council to read a letter written by Jim Thompson, and advised Council to make free use of locals' knowledge of the community.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of October 16, 2014
- B. Approval of minutes of the Special City Council meeting of October 16, 2014
- C. Approval of minutes of the Special City Council meeting of October 27, 2014
- D. Approval of September 2014 Financial Statements for the City of Wimberley

Mayor Thurber pulled Consent Agenda Item 1D.

Councilmember Meeks moved to approve Consent Agenda Items 1A-1C, as presented. Councilmember Showalter seconded. Motion carried on a vote of 5-0.

Regarding Consent Agenda Item 1D, Mayor Thurber noted a budget surplus in excess of \$200,000 and commended past/current Councils and staff for their careful management practices. Councilmember Showalter moved to approve Consent Agenda Item 1D, as presented. Councilmember Meeks seconded. Motion carried on a vote of 5-0.

2. Presentation

Presentation of an activity report by the Wimberley Valley Chamber of Commerce.
(*Cathy Moreman, Co-Director, Wimberley Valley Chamber of Commerce*)

Cathy Moreman distributed informational packets to Council and introduced fellow Chamber members, Co-Director John Palumbo, Board Chairman John Kimbrew, Board Secretary Linda Webb, and Board Member Dan Moore.

Ms. Moreman presented details on the Chamber's purpose, mission, events coordination/development, programs, members, facilities, website/social media, visitor's center operations, upcoming events, and statistics on local business activity and tourism. She detailed activities of the Wimberley Valley Arts and Cultural Alliance and its promotion of events within the local arts community, including its successful project known as *Bootiful Wimberley*. She advised that the Chamber is in the process of re-applying to the Texas Commission on the Arts for cultural district designation. Ms. Moreman spoke on public relations/marketing efforts, including use of free listing services in both print media and on websites. She commended all of the volunteers and stated there is an ongoing need for more volunteers, who are trained in fielding calls and filling information requests.

Co-Director John Palumbo spoke on Chamber funding, including membership dues, community guide commissions, advertising efforts, upcoming group tour of Ireland, fundraising events, and

various donations. It was noted that the annual Fourth of July Parade will be held on July 3rd in 2015.

Mayor Thurber thanked Chamber representatives for their presentation and service to the community.

3. City Administrator Report

In response to earlier comments made during Citizen Communications, City Administrator Ferguson clarified that the City is not operating with a budget deficit and noted that the City's Fund Balance is approximately \$1,000,000.

- Status report on Cypress Creek water quality issues

City Administrator Ferguson reported that test results continue to show elevated levels at the Square and noted plans for increased testing. Other locations, such as Blue Hole, tested in the low range; however, further upstream at Jacob's Well, numbers were higher.

- Status report on the Time Warner Franchise Agreement

City Administrator Ferguson reported that as a result of deregulation of the cable industry, Time Warner no longer has a franchise agreement with the City of Wimberley; however, under its current franchise agreement with the State, little has changed in terms of service. He noted that the City cannot force Time Warner to extend its service area, but customers outside the service area have an option to pay Time Warner to extend service to their properties.

- Status report on the H-E-B Development Project

City Administrator Ferguson anticipated an early or mid-July 2015 store opening, with the understanding that it would not be held on Fourth of July weekend. He advised that building plans have been conditionally approved and the fuel station plans are under review. Site plan review comments are being addressed for resubmission, with updates to continue. Excavation work is underway, with remaining buildings being temporarily used for materials storage.

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

City Administrator Ferguson reported the Friends of Blue Hole Lecture Series continues on Sunday, November 9th, and encouraged attendance. He advised that Design Workshop's Steven Spears will be conducting a walking tour of the Park and sharing little-known facts about the Park and its design features. He noted a recent movie location shoot at the Park and upcoming rental activity.

- Status report on *The Central Wimberley Wastewater Project*

City Administrator Ferguson reported that Mayor Thurber's announcement of members to serve on the task force on collection system design is forthcoming, with the design phase to begin in

earnest at the end of November. He noted that treatment system design will begin pending permit issuance.

He anticipated issuance of the TCEQ draft permit and stated it would be much farther into the future before the 75,000 GPD limit would be exceeded.

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

City Administrator Ferguson reported that the City received its November check (representing September collections), for slightly over \$80,000, up nine percent (9%) from the same period last year.

In addition, City Administrator Ferguson reported on the possible scheduling of an additional City Council workshop meeting on the Central Wimberley Master Plan, tentatively set for Wednesday, November 12, 2014 at 5:30 p.m.

4. Discussion and Possible Action

- A. Discuss and consider possible action regarding the proposed Central Wimberley Master Plan. (*Planning and Zoning Commission; this agenda item was continued from the October 16, 2014 City Council meeting*)

Mayor Thurber recommended continuance of this item until Council's regular meeting on November 20th to allow for further Council discussion at an additional upcoming workshop.

Councilmember Talcott moved to approve continuance of the item, as recommended by Mayor Thurber. Councilmember White seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action regarding the proposed acquisition and installation of two (2) electronic community message signs and alternatives for such signs. (*City Administrator*)

City Administrator Ferguson reviewed previous Council direction on this issue and recommended the Community Center as the safest, most visible location for the electronic sign. He advised that action on the electronic community message board should be taken to coordinate with installation of the Community Center's new entry sign. He provided examples of possible electronic sign designs, highlighted electronic sign policies and procedures, detailed possible alternative programs utilizing a ground-mounted pole system for conventional banners, estimated costs, noted liability/vandalism concerns, and requested Council's direction.

Discussion addressed Pedernales Electric Cooperative's (PEC) discontinuance of its over-the-road banner program, conventional banners versus electronic signs, ability to program electronic sign display/content, stone design element for small-scale electronic sign, preferred location at the Community Center, Wimberley ISD partnership agreement, and Wimberley Institute of Culture's (WIC) concerns on the impact of an electronic sign on the Winters Wimberley House site, which is adjacent to the Community Center.

Wimberley resident Alice Wightman asked that Council consider whether an electronic sign fits Wimberley's quaint image and felt such a sign would be visually jarring. She said there are other ways to publicize non-profit events, such as community bulletin boards for people walking in the Square. She asked that Council seek WIC's opinion before taking action on electronic signs.

M.F. Johnson expressed concerns about the proposed sign's impact on vehicle traffic passing by the Community Center and felt that painting shadow lines in black paint on the existing Community Center sign will make it more visible to the public. She noted the cost of the existing sign and questioned why tourists cannot simply ask locals or the visitor's center for directions. She said law enforcement should cite those drivers distracted by an electronic sign, who may run the traffic light or cause an accident.

John Kimbrew spoke on the need for better identification of the Community Center's location based on the number of informational requests received at the visitor's center.

Brief discussion addressed the grandfathered status of the pre-existing, non-conforming monument sign at Ranch Road 12 and River Road, which does not conform to sign regulations and has not been removed by Texas Department of Transportation.

Councilmember Talcott moved to authorize staff to proceed with the proposed electronic signs at the WISD Administration and Community Center locations, with specifics on the WISD partnership agreement and design standards to be worked out at a later date, after discussion with WIC representatives. Councilmember Showalter seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action regarding the proposed transfer of funds from the City of Wimberley General Fund Balance in an amount not to exceed \$48,300 to pay for the removal of flood debris from Pierce Creek at Climbing Way, and amending the FY 2015 General Fund Budget to reflect the expenditure and transfer. (*City Administrator*)

City Administrator Ferguson explained that debris removal work was completed by Myers Concrete Construction in late October 2014 and recommended Council authorize the transfer of funds in the subject amount and amend the FY 2015 Budget to reflect the expenditure and transfer. He noted that the City expects to receive approximately \$34,000 from FEMA, as partial reimbursement for the project, which will be deposited to the City's Fund Balance upon receipt.

Councilmember White moved to approve the item, as presented. Councilmember Showalter seconded. Discussion of reuse/sale of the removed gravel established that FEMA regulations do not allow the City such reuse/sale and that the removed gravel became the property of the contractor, who did not profit from receipt of the gravel, which was dropped off at two other locations. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action appointing City Sanitarian Kyle De Hart as a contract environmental enforcement officer for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson explained Mr. De Hart's current duties and proposed expansion of contract services to include the handling of environmental law enforcement within city limits. He noted that Mr. De Hart's recent passage of the Peace Officer Licensing Exam allows him to serve as a licensed Texas peace officer for the City, which greatly enhances his ability to enforce environmental laws such as Illegal Dumping, Outdoor Burning Rules, Public Nuisances, and Hazardous Materials violations.

Discussion established Mr. De Hart's status as a contract employee and scope of duties.

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

5. City Council Reports

- Announcements
- Future Agenda Items

Mayor Thurber reminded that Council is tentatively scheduled to hold a workshop meeting on the Central Wimberley Master Plan on November 12, 2014 at 5:30 p.m. at City Hall.

Mayor Thurber also provided a reminder on the second in a series of Town Hall meetings to be held Tuesday, November 18, 2014 at 6 p.m. at the Wimberley Community Center.

City Administrator Ferguson advised that City Hall will be closed on Tuesday, November 11, 2014 in observance of Veterans Day.

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

Adjournment: Council meeting adjourned at 7:20 p.m.

Recorded by:


Cara McPartland

These minutes approved on the 4th of December, 2014.



APPROVED:


Steve Thurber, Mayor