

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
December 6, 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 and City Secretary Cara McPartland

Citizens Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of the minutes of the Regular City Council meeting of November 15, 2012
- B. Approval of the October 2012 City of Wimberley Financial Statements

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

2. City Administrator Report

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

City Administrator Ferguson reported on winter maintenance, installation of benches, signage, drainage work, increased trail traffic, and park rental activity.

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

City Administrator Ferguson reported that levels remain within permit limits.

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

City Administrator Ferguson anticipated that TxDOT will award the project to the lowest bidder, Capital Excavation, with project completion expected by late January or early February 2013.

Details were provided on parking modifications and an alternative design for the low decorative wall planned for the Square.

- Status report on the hourly rates charged by the City Attorney

City Administrator Ferguson reported that there will be a slight fee adjustment and advised an update will be provided to Council on the increased rate.

- Status report on improvements at the intersection of Ranch Road 12 and FM 2325

City Administrator Ferguson reported that work is nearly completed, including a wall with an opening to the City-owned property. He noted that Council may hear a variance request on parking lot lighting in the near future. He also reported on street lighting and traffic signal activation at the Junction.

- Status report on the 2012 Wimberley Christmas celebration

City Administrator Ferguson reported that Winter's Eve takes place in the Square area this Saturday, December 8th and anticipated favorable weather conditions and minor traffic delays. He also noted that Breakfast with Santa is scheduled for Saturday, December 8th from 8 to 10 a.m. at the Wimberley Community Center.

Wimberley resident Mary Kate Brown inquired about the City exceeding the pumping limit at its wastewater treatment at Blue Hole Regional Park. City Administrator Ferguson anticipated resolution of this issue by the end of this year, pending communication with Hays Trinity Groundwater Conservation District. He stressed that the City is committed to following the limits of the permit.

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

Mayor Flocke and Councilmember Meeks recused themselves from the meeting at this time due to possible conflicts of interest.

Mayor Pro-tem White assumed duties as Presiding Officer.

- A. Discuss and consider possible action relating to the validation of the signatures presented to the City of Wimberley by the Wimberley Central Improvement Association ("WCIA") from property owners in support of the creation of a Municipal Management District (MMD). *(Place One Councilmember Tom Talcott)*

Mayor Pro-tem White opened public comments.

Gail Pigg expressed appreciation for the community meeting held December 5th at the Community Center. She felt that the Aqua Texas option needs to be updated to reflect the recent proposal made by Aqua Texas representative(s).

Mary Kate Brown questioned if the letters of support received to date will still be valid if the City supports an option other than the previously recommended Option No. 4, which allows for emergency discharge of effluent. City Administrator Ferguson advised that such validity is a determination of Council and reminded that Option No. 3 also includes discharge provisions.

Paradise Valley resident David Wilson (speaking on Item 6B) expressed concerns about discharge of effluent, particularly the possibility of raw sewage flowing untreated into waterways. He inquired about system/lift station maintenance, system failure alarms, mechanical breakdowns, and overflows into waterways. He personally objected to ad valorem taxation, but felt that if citizens show support for ad valorem taxes, the City should pursue the best system it can afford. City Administrator Ferguson anticipated that any system would be operated and maintained to meet and likely exceed all required standards.

Citizens Alliance for Responsible Development (CARD) representative Jim McMeans encouraged Council to expedite creation of an MMD and cited the critical need to provide a wastewater solution for central Wimberley. He noted specific elevated E. coli counts, particularly in the downtown area. Due to concerns regarding possible future enforcement actions, he stressed that CARD strongly supports the City in its efforts to provide the best and most affordable system possible. He distributed copies of a resolution supporting MMD-creation submitted to Council by CARD in January 2012. Mr. McMeans felt that potential effluent from the plant would be treated so as not to pose any risks to public health or safety.

No further public comments were heard.

Councilmember Talcott reported that of the 59 signatures that were validated, 37 telephone calls were made to the subject property owners, which confirmed the signatories' support for Option No. 4. Because the letters and signatures have been validated, Councilmember Talcott stated that Council needs to continue with the process to provide wastewater service as soon as possible.

No action was taken.

- B. Discuss and consider possible action relating to the future steps to be taken by the City of Wimberley in the effort to create a Municipal Management District to help fund the development of a wastewater system to serve central Wimberley. (*City Administrator*)

City Administrator Ferguson advised that State Representative Jason Isaacs notified the City of Wimberley that he would not sponsor legislation to create a MMD to help fund development of a wastewater system to serve central Wimberley, due to his opposition to the creation of new taxes. Without the option of a legislatively-created MMD, City Administrator Ferguson requested Council direction on whether to continue efforts to create a MMD via the Texas Commission on Environmental Quality (TCEQ) process and what role the City should play within that process.

Mary Kate Brown spoke on the TCEQ process for MMD creation and offered suggestions for funding a wastewater system, such as a ban on plastic bags/Styrofoam that includes collection of a tax and charging tourists for parking downtown. She stated that all venues need to be vetted

and hoped that the Water Wastewater Advisory Board should be involved in offering alternative funding options.

Debby Spears asked if the City can fine property owners with existing septic systems that are not in compliance. City Administrator Ferguson replied affirmatively and explained specific difficulties in identifying which systems are not in compliance.

No further public comments were heard.

Council discussion favored moving forward with MMD creation via TCEQ's process, including required petition(s), explanation of certain steps/timeframe for MMD creation, and voluntary contributions from other entities such as Wimberley Water Supply Corporation (WWSC) through customer billing.

Councilmember Talcott moved to direct staff to approach WWSC to request voluntary contributions from its customers for the central Wimberley wastewater project. Councilmember McCullough seconded. Councilmember Thurber requested discussion and clarification.

In the interest of clarification, City Administrator Ferguson restated his understanding of the motion as direction to staff to approach WWSC to inquire about the possibility of placing information in their customer bills that would allow customers to choose to donate money over and above what they are being billed, with the understanding that donations would be designated for funding of the City of Wimberley's wastewater system development and be managed to offset the cost of bringing wastewater to the area.

Councilmember Talcott confirmed City Administrator Ferguson's restatement of the motion as accurate. Discussion addressed the advisability of contacting other franchise grantees (such as Texas Disposal Systems), costs associated with administering a customer donation program, and need for specificity on donation amounts.

Mayor Pro-tem White called for a vote on the motion as stated by Councilmember Talcott and clarified by City Administrator Ferguson. Motion carried on a vote of 4-0.

Mayor Flocke and Councilmember Meeks rejoined the meeting at this time and Mayor Flocke assumed duties as presiding officer.

4. Ordinance

Consider approval of an ordinance of the City of Wimberley, Texas amending Chapter 70 (Traffic Regulations) of the Code of Ordinances of the City in order to prohibit through truck traffic through certain portions of Ranch Road 12, and provide for an alternate truck traffic route as described herein; providing for an effective date; proper notice and meeting, severability and repealer. (*City Administrator*)

City Administrator Ferguson stated that TxDOT expressed concerns about the inclusion of Jacobs Well Road as an alternate route. Staff and the Wimberley Transportation Advisory Board

(TAB) reexamined options for a new truck route for TxDOT consideration. Council approved TAB's recommended route that utilizes portions of Ranch Road 12, FM 2325, FM 3237, RM 32, Winters Mill Parkway, and Emergency Lane on September 6, 2012, which must be adopted by ordinance. The new route has also been approved by the City of Woodcreek and submitted to Hays County for review and approval. Once approved by the City of Wimberley, the City of Woodcreek, and Hays County, the new route will be submitted to TxDOT.

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

5. Resolution

Consider approval of a resolution of the City Council of the City of Wimberley, Texas, authorizing the application of Mariposa Ranch Road 12 LP, a Texas Limited Partnership, to the Texas Department of Housing and Community Affairs for housing tax credits and home funds for the development of multi-family residential housing with a target population for adults 55 years of age and over on an 8.571 acre tract located at 14400 Ranch Road 12, Wimberley, Hays County, Texas. (*City Administrator*)

CARD representative Jim McMeans expressed continued support for this project to fill the community's need for affordable senior housing, favored resubmission of the funding application, and recommended that Council approve the resolution.

Bonner Carrington representative Casey Bump provided details on the Texas Department of Housing and Community Affairs (TDHCA) procedures for awarding of funds. Although the developer's initial submission to TDHCA was unsuccessful, Mr. Bump communicated Bonner Carrington's commitment to continue with its efforts to secure funding and anticipated favorable future results. He noted that no changes have been proposed for the development and that talks are ongoing with Brookshire Brothers representatives to address concerns with parking lot traffic. Discussion included explanation of the TDHCA's use of "forward commitment" funds.

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

6. Discussion and Possible Action

- A. Discuss and consider possible action accepting a gift deed of approximately 0.042 acres of real property located at the intersection of Old Kyle Road and Ranch Road 12 for the Ranch Road 12/Old Kyle Road Improvement Project. (*City Administrator*)

City Administrator Ferguson recommended that Council accept the Gift Deed from the property owner, Laura Romano, who wishes to deed the property to the City for use in the Ranch Road 12/Old Kyle Road Improvement Project.

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

- B. Discuss and consider possible action regarding a proposal to locate an electronic community message board at the Wimberley Community Center. (*City Administrator*)

Wimberley Institute of Cultures (WIC) representative Claire Billingsly thanked Council for its support of her organization and expressed concerns about the location of the sign. Because she felt that the character of the sign is not compatible with nearby historic site(s), Ms. Billingsly asked that Council reconsider the sign's location and suggested placement at the Visitor's Center. Mayor Flocke stated that the City owns the Community Center property, but does not own the Visitor's Center property.

WIC representative Jane Little expressed concerns about the sign's proposed location near the entrance to the City's most historic site and suggested placement at the "Y" property at Ranch Road 12 and FM 2325. She acknowledged the value of community notification programs, but asked that Council think "outside the box" to find a more suitable location for the proposed sign.

City Administrator Ferguson explained that the Pedernales Electric Cooperative's (PEC) over-the-road banner program will not continue past the end of this year and detailed PEC's proposal to contribute \$25,000 toward the purchase of a community message board.

Discussion addressed other possible locations, alternative sign options (such as pole- or fence-mounted banners), specifications of the electronic message board, insurance to cover sign damage/vandalism, support for the electronic message board from non-profit organizations as a replacement for the over-the-road banner program, and appropriateness of electronic signs in general for Wimberley.

Councilmember Talcott moved to approve an electronic message board (with location to be determined). Councilmember McCullough seconded. Mayor Flocke called for a vote as follows: Councilmember White, nay; Councilmember Thurber, nay; Councilmember Meeks, aye; Councilmember McCullough, nay; Councilmember Talcott, aye. Motion failed on a vote of 2-3.

After the vote, staff advised that alternative sign options will be presented to Council for future consideration.

- C. Discuss and consider possible action the city administrator to engage the services of the law firm of McKamie Krueger, LLP to assist the City of Wimberley with the resolution of a property boundary matter at the Blue Hole Regional Park. (*City Administrator*)

City Administrator Ferguson stated that the need for legal review, however, due to a conflict of interest, the City's legal counsel, Bickerstaff Heath Delgado Acosta, LLP, cannot provide assistance on resolution of this issue.

Discussion addressed possible legal costs to the City, specific details about the property boundary matter, and the role/responsibility of the title company in resolution of the dispute.

Councilmember Thurber moved to approve the item, as presented. Councilmember White seconded.

Discussion addressed efforts to date to resolve this matter with the involved property owners, specific information on the property boundaries in question, and the importance of establishing legal boundaries for all involved parties.

After hearing no further discussion, Mayor Flocke called for a vote on Councilmember Thurber's motion to approve the item, as presented. Motion carried on a vote of 5-0.

7. City Council Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson reported that recommendations from the City regarding the Hays County's revised Transportation Master Plan have been submitted to Hays County for consideration.

Discussion established that Council will be required to meet on December 20, 2012.

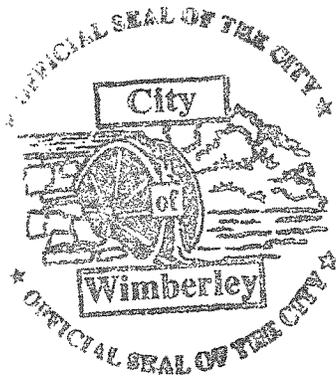
Hearing no further announcements or future agenda items, Mayor Flocke called the meeting adjourned.

Adjournment: Council meeting adjourned at 7:24 p.m.

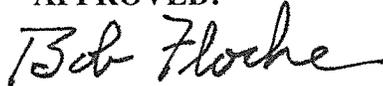
Recorded by:


Cara McPartland

These minutes approved on the 20th of December, 2012.



APPROVED:



Bob Flocke, Mayor