

**City of Wimberley**  
City Hall, 12111 Ranch Road 12, Ste. 114  
Wimberley, Texas 78676  
**Minutes of Special Meeting of City Council**  
September 22, 2009 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Tom Haley.

Councilmembers Present: Councilmembers Charles Roccaforte, Bob Flocke, Bill Appleman, Steve Thurber, and John White.

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

**1. Consent Agenda**

- A. Approval of the August 2009 Financial Statements for the City of Wimberley
- B. Approval of the 2009 3<sup>rd</sup> Quarter Investment Report

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

**2. Resolutions for Possible Action**

- A. Consider approval of a resolution of the City Council of Wimberley, Texas adopting the City of Wimberley Budget for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010 (*City Administrator*).

City Administrator Ferguson summarized the budget process to date and noted the addition of certain separate revenue funds related to Municipal Court operations.

Mayor Haley favored keeping the City Marshal's position in the budget, which he felt is needed for traffic/code enforcement and public relations. He suggested that \$100,000 be taken from fund balance for road/street improvements to be determined and prioritized per Transportation Advisory Board (TAB) recommendations.

Councilmember Roccaforte commended City Marshal Bill Robinson, but felt that Hays County Sheriff's Office provides adequate law enforcement at this time. He stated that several constituents reported quick response times from Hays County Sheriff's deputies and favored removing the City Marshal's position and related line items until such time Hays County requires the City of Wimberley to acquire its own law enforcement. Councilmember Roccaforte recommended taking \$200,000 from fund balance for road improvements and agreed with Mayor Haley's suggestion to have TAB prioritize needed street improvements.

Councilmember Flocke commended City Marshal Bill Robinson and supported keeping his position in the budget, but favored proceeding slowly on hiring a replacement, in order to find the right person for the community. He did not object to taking up to \$200,000 from fund balance for roads, provided that funds are used properly and improvements are carefully planned in accordance with TAB recommendations.

Councilmember Appleman felt that road improvements are the City's most glaring need and favored eliminating the City Marshal's position and associated line items as a means of increasing roads funding. He agreed that TAB's impartial recommendations are necessary in order to come up with an effective plan for improvements. Councilmember Appleman noted the need for ongoing roads assessments and the importance of adequate reserve funds for emergencies. He encouraged continued efforts to trim the budget and expressed hope that the Wimberley Community Center may at some point break even on its operating revenues and expenditures. He felt that expenditures for legal services are high and asked whether our City Attorney's resources can be utilized in a more efficient manner, such as reducing attendance at meetings. Because Councilmember Appleman felt that the community does not favor additional taxation, he reiterated his support for cutting costs by eliminating the City Marshal's position and allocating \$200,000 for road improvements to be recommended by TAB.

Councilmember Thurber commented that the City Marshal has made a positive contribution to the community, but noted that some constituents feel the position is too costly and not necessary at this time. Due to current tough economic times, Councilmember Thurber suggested including the position in the budget for half of the year and revisiting the City Marshal issue in six months or so. He advocated allocation of significant funds for roads, but in the interest of public safety, expressed support for additional funding for long overdue sidewalks, particularly along FM 2325.

At Councilmember Thurber's request, City Administrator Ferguson elaborated on possible grants for sidewalk development, including an existing USDA grant application, which if awarded, would require some matching City funds of approximately \$40,000 to \$45,000. Mr. Ferguson informed Council of grant funds available from the State's Safe Routes to School Program, which the City may apply for upon adoption of TAB's mobility plan. He noted that these grant funds for construction of sidewalks in the immediate vicinity of schools is very competitive. Discussion between City Administrator Ferguson and Councilmember Thurber addressed potential matching fund commitments, and the community's interest and participation in sidewalk development.

Acknowledging the need for increased road improvement funding, City Administrator Ferguson reminded Council of existing commitments for matching funds relating to bond/grant funded road/mobility projects and possible future commitments. Given the City's primary reliance on sales tax revenues and overall economic projections, Mr. Ferguson cautioned against depleting the City's fund balance below recommended levels in the interest of safe planning for possible future emergency expenditures.

Discussion between City Administrator Ferguson and Councilmember Thurber addressed projected September 2009 deficits, decline in development fees, and retail sales tax revenues. Favoring a

more conservative approach, Councilmember Thurber cautioned against lowering the fund balance too much, suggested allocating \$75,000 in excess funds plus \$50,000 in the proposed budget (for a total of \$125,000), and requested reconsidering additional road funding mid-year, allowing TAB adequate time to set road priorities. Expressing concern that the full impact of the economic downturn has yet to occur in Wimberley, City Administrator Ferguson reminded that a cautious approach may be taken toward the City's fund balance and acknowledged the Council's ability to amend the budget mid-year in order to increase roads funding. He noted that by mid-year, the City will have had time to gather more information on matching grant commitments and project costs to be determined by engineering studies.

Discussion addressed details of the Safe Routes to School Program, Texas Department of Transportation's role in sidewalk construction/road improvements, general agreement on TAB's prioritization of streets/mobility improvements, specific pedestrian safety needs/issues, and expenditures for a lightning detection system at Blue Hole Regional Park.

Mayor Haley acknowledged Council's views on the City Marshal's position and felt that Hays County may in the near future ask the City to provide its own law enforcement. Mayor Haley suggested allocating up to \$200,000 for street improvements as a top priority, with consideration of sidewalk funding postponed to a later date pending award of possible grant funding.

Discussion addressed cost reductions associated with elimination of the City Marshal's position, various budget scenarios affecting the City's fund balance (including sale of the City Marshal's vehicle), certain accounting procedures, and dedicated line item(s).

Councilmember Appleman moved to approve the City of Wimberley Budget for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010; removing all line items associated with the City Marshal as reflected in Proposed Budget Revision No. 4; and increasing *Capital Outlay Roads* to \$250,000, with a remainder of the balance coming from the Reserve Fund. Councilmember Flocke seconded.

Councilmember Thurber requested a friendly amendment to allocate \$25,000 from the \$250,000 in *Capital Roads Outlay* for sidewalk construction. Councilmember Appleman accepted the friendly amendment and did not object to setting aside sidewalk funding, but felt that TAB should first assess sidewalk needs for Council's consideration and action during the coming year. Councilmember White seconded.

After brief discussion of various options, Councilmember Appleman amended his prior motion to add \$25,000 for sidewalk funding to the \$250,000 allocated for *Capital Outlay Roads* for a total of \$275,000. As a means of protecting sidewalk funds, City Administrator Ferguson suggested creating a separate line item in the budget for *Capital Outlay Sidewalks* in the amount of \$25,000.

Mayor Haley recommended that Councilmember Thurber withdraw his friendly amendment to Councilmember Appleman's motion in order for Council to vote on the original motion. After a vote has been taken on the original motion, Mayor Haley suggested that Councilmember Thurber

make a motion to add \$25,000 as a separate budget line item dedicated for sidewalks. Councilmember Thurber withdrew his friendly amendment to Councilmember Appleman's original motion. Councilmember White withdrew his second to the friendly amendment.

Mayor Haley called for a vote on the original motion to approve the City of Wimberley Budget for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010; removing all line items associated with the City Marshal and vehicle as reflected in Proposed Budget Revision No. 4 and increasing *Capital Outlay Roads* to \$250,000, with a remainder of the balance coming from the Reserve Fund. Motion carried on a vote of 5-0.

Councilmember Thurber moved to add a budget line item in the amount of \$25,000 for sidewalk funding. Discussion clarified that the additional \$25,000 is for sidewalk needs as assessed by TAB, without inclusion of location-specific language in the motion. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

Hearing no further comments, Mayor Haley entertained a motion to approve the resolution adopting the City of Wimberley Budget for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010 as amended. Councilmember Thurber so moved. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

- B. Consider approval of a resolution of the City Council of Wimberley, Texas adopting the ICMA Retirement Corporation Deferred Compensation Plan and Trust for employees of the City and authorizing the City Administrator to execute the necessary agreements (*City Administrator*).

City Administrator Ferguson informed Council of certain retirement products/investment options provided by ICMA and noted that Council must approve the resolution in order to make the program available for City employees who wish to participate. Discussion clarified that this program is not related to employee health benefits or paid stipends. Councilmember Thurber moved to approve the resolution as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

### **3. Discussion and Possible Action**

- A. Discuss and consider action amending the Fiscal Year 2009 City of Wimberley General Fund, 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 highlighted necessary amendments reflecting differences in actual/budgeted revenues/expenditures, including certain development/inspection fees, and municipal court and election operations. He noted necessary amendments to Blue Hole's budget costs and revenues reflecting additional supply/utility costs associated with the increased use of the park this summer, capital improvement costs related to the implementation of the *Blue Hole*

*Regional Park Master Plan*, and receipt of certain grant funds. Mr. Ferguson noted the proposed budget amendments include the creation of four *Special Revenue Funds* as required by State law for accounting/expenditure of certain court fees.

Councilmember Appleman moved to approve the item as presented. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider action approving the plans for the 3<sup>rd</sup> Annual *Wimberley Valley Habitat for Humanity Walk for Humanity and Classic Car Show* on October 24, 2009 (City Administrator).

City Administrator Ferguson reviewed the proposed route and request for a brief morning lane closure of the inbound lane of Old Kyle Road from FM 3237 to the Square on Saturday, October 24, 2009. Wimberley Valley Habitat for Humanity Vice-President Brent Pulley briefly highlighted the event, provided details on the *Classic Car Show*, and noted that solicitation of sponsors is underway. In light of the elimination of the City Marshal's position, Mr. Pulley was informed that his request for traffic assistance from the City Marshal could be directed to available Hays County constables.

Councilmember Flocke moved to approve the item as presented. Councilmember Appleman seconded. Motion carried on a vote of 5-0.

There was brief discussion of appointments needed for boards/commissions and City Administrator Ferguson reminded of the need for completed applications and deadlines for submission.

Hearing no further comments, Mayor Haley called the meeting adjourned.

**Adjournment:** Council meeting adjourned at 6:54 p.m.

Recorded by:

*Cara McPartland*

Cara McPartland

These minutes approved on the 1st of October, 2009.

**APPROVED:**

*Tom Haley*  
Tom Haley, Mayor

