

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
June 18, 2009 at 6:30 p.m.

City Council meeting called to order at 6:30 p.m. by Mayor Tom Haley.

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

Councilmembers Present: Mayor Haley and Councilmembers Bob Flocke, Bill Appleman, Steve Thurber, and John White. Councilmember Charles Roccaforte had an excused absence.

Staff Present: City Administrator Don Ferguson and Assistant City Attorney Cindy Crosby.

Citizen Communications

No citizen communications were heard.

1. Consent Agenda

- A. Approval of minutes of the regular City Council meeting of June 4, 2009.
- B. Approval of minutes of the special City Council meeting of May 27, 2009.
- C. Approval of the reappointment of Lila McCall to the City of Wimberley Planning and Zoning Commission (*Mayor Pro-tem Charles Roccaforte's nominee*).
- D. Approval of the reappointment of Jean Ross to the City of Wimberley Planning and Zoning Commission (*Place Five Councilmember John White's nominee*).
- E. Approval of the appointment of Mike Jones to the City of Wimberley Planning and Zoning Commission (*Consensus nominee*).
- F. Approval of the appointment of Robert Skipper to the City of Wimberley Ethics Commission (*Place Five Councilmember John White's nominee*).

Councilmember Thurber pulled Consent Agenda Item 1E. Councilmember Thurber moved to approve all remaining Consent Agenda items as presented. Councilmember Appleman seconded. Motion carried on a vote of 4-0.

As a procedural matter, Councilmember Thurber questioned whether prior notice of consensus nominees should be given to Council before appearing on the agenda. City Administrator Ferguson advised that such notice can be given at Council's direction.

Councilmember Flocke moved to approve Consent Agenda Item 1E. Councilmember Thurber seconded. In response to Councilmember Appleman, City Administrator Ferguson clarified that Council's request for notification in order to provide input for consensus nominees (for all

boards/commissions) will be put on a future agenda for Council action. Motion carried on a vote of 4-0.

2. City Administrator Report

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

City Administrator Ferguson reported that the *Design Workshop* contract has been executed, with work anticipated to begin in early July. The first leg of the hike and bike trail to Blue Hole is nearing completion. Mr. Ferguson hoped to convene Council's July 2 meeting around 5:30 p.m. in order that Council members may walk the trail. He reported on the addition of park amenities with the ordering of four benches to be placed along the trail and picnic tables to be placed near Blue Hole's swimming area. Mr. Ferguson reported on upcoming landscaping improvements and the construction of a platform to facilitate use of the small rope swing down toward the end of the swimming area.

City Administrator Ferguson reported on an strong Blue Hole attendance figures, with an increase in new visitation. Mr. Ferguson clarified misinformation relating to the use of the rope swings at Blue Hole and stressed that rope swing use is *not* prohibited. He noted that jumping from trees is prohibited.

Mayor Haley stated Blue Hole is only eight and one-half feet deep at this time due to silt accumulation, posing a danger to those diving or jumping from heights.

- Status report on the activities of the *Local Emergency Management Planning Task Force*

City Administrator Ferguson reported on the need for more intensive local planning efforts including other local entities (such as fire/EMS department/school district) and the process for setting up such a task force.

- Status report on the development of a Non-Point Source Pollution ordinance

City Administrator Ferguson reported on the subcommittee's development of an informational brochure to be presented along with a draft ordinance to better explain proposed ordinance language.

- Status report on possible development of an additional public restroom facility on the Wimberley Square

City Administrator Ferguson reported on a recent positive meeting with Wimberley Merchants Association to discuss the possibility of a cooperative effort to add another restroom facility to be located in the City's parking lot area (behind the former Cypress Creek Café) due to limited City funds. Alternative locations/types of facilities were also considered and favorable comments were made about the cleanliness of the current public restroom facility.

- Status report on the appointment of a Wimberley Economic Development Commission

City Administrator Ferguson reported on a recent meeting with Gary Weeks and of the need for Council appointments to the Commission. Councilmember Flocke suggested placing a newspaper notice to generate interest in Commission positions.

- Status report on efforts underway to secure state and federal funding for the Downtown Wastewater Project

City Administrator Ferguson reported on Texas Water Development Board's approval of an intended use (spending) plan, the application process in general, and the City's placement in line for available funding. He detailed specific funding guidelines and alternative funding options. Mr. Ferguson thanked U.S. Congressman Lloyd Doggett, State Senator Jeff Wentworth, and State Representative Patrick Rose for their support in efforts to securing funding.

Discussion addressed the City's position on the list relative the funding line, uncertainties surrounding the process, favorable aspects of "green" project designation, and ongoing efforts.

- Status report on Fourth of July activities

City Administrator Ferguson reported completion of successful fund raising activities and thanked all who contributed by name. He reported on a planning meeting for the Fourth of July Parade and asked for input on the type of parade participation desired by Council. Discussion addressed possible use of convertibles and the inclusion of former Councilmember Jeri Xiques in the parade activities.

Mr. Ferguson noted route changes from previous years and coordination with local law enforcement.

- Status report on activities of the Wimberley Municipal Court

City Administrator Ferguson reported on interim Wimberley Municipal Court Judge Andrew Cable's assumption of duties and implementation of court software, with the Court's next docket set for Tuesday, July 7, 2009.

- Status report on activities of the City Marshal

City Administrator Ferguson reported on code enforcement efforts and speed limit enforcement in specific neighborhood areas.

3. Presentations

Presentation by representatives of *Youth Taking Charge* on the efforts underway to develop a *Boys and Girls Club* in the Wimberley Valley.

DuAnne Redus, founder and executive director of *Youth Taking Charge*, presented information on her organization's history and the need for Wimberley-focused prevention programs. Ms. Redus and representatives Brenda Freed, Adrienne Evans, Phil Dayne, and Gary Kyle presented information on the following:

- Community survey results reflecting need and support
- Positive personal experiences working with existing clubs in other areas
- Importance of recognition, involvement, and support from the entire community; resources; and, leadership
- Return on investment in providing activities resulting in productive individuals beneficial for society in general

Mayor Haley spoke in support of efforts to provide youth programs for Wimberley's growing population.

4. Public Hearing and Possible Action

Public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for a 1.18 acre tract located at 108 S. Valley View Drive, Wimberley, Hays County, Texas, designating initial zoning for such tract as Neighborhood Services (NS); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting (*JMI Studios, Applicant*).

Mayor Haley opened the public hearing. Hearing no response, Mayor Haley closed the public hearing.

City Administrator Ferguson reviewed the application, noting the subject property's location, planning area, and prior/current/allowed uses. Planning and Zoning Commission Vice Chair Jean Ross reported on the appropriateness of Neighborhood Services (NS) for the subject property and the Commission's unanimous recommendation for approval.

Discussion addressed lack of objections from surrounding property owners and the original intent of developers to set aside area for an office park.

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

5. Discussion and Possible Action

- A. Discuss and consider action rescinding the previous City Council action on June 4, 2009 relating to the designation of a bank depository and directing City staff to readvertise for bids to become depository bank for the City of Wimberley (*City Administrator*).

City Administrator Ferguson stated that the City was notified by Blanco National Bank that the Bank is unable to meet the terms of the City's depository agreement. He reported that the City is modifying its safekeeping requirements to allow some flexibility for banks not wishing to utilize the Federal Reserve Bank while still ensuring protection of the City's funds.

Mayor Haley entertained a motion to allow staff to proceed with procuring additional bids. Councilmember Thurber moved to approve the item as presented. Councilmember Appleman seconded. Motion carried on a vote of 4-0.

- B. Discuss and consider action on issues relating to the future operation of the Wimberley Community Center by the City of Wimberley (*City Administrator*).

City Administrator Ferguson requested Council direction on whether the City should solicit proposals from firms interested in operating the Center for the City or whether the City should assume operation of the Center utilizing existing staff.

Discussion addressed the City's legal obligations/responsibilities, possible establishment of an oversight committee, short- and long-term goal-setting, minimizing deficits, and transitional period planning and possible extension. It was generally agreed that utilization of existing staff is preferable to outsourcing operations and that further joint meetings are necessary to make fully informed decisions.

M.F. Johnson gave an historical overview of the Wimberley Community Center's conception and intended development as an outreach facility for community use and offered to provide supplemental information on operations.

No action was taken on this item. Agreement was reached to schedule future workshops between City Council and Wimberley Community Center representatives/personnel.

- C. Discuss and consider approval of Fiscal Year 2010 Wimberley Budget Calendar (*City Administrator*).

City Administrator Ferguson highlighted calendar deadlines to guide the budget process. Councilmember Thurber moved to approve the item as presented. Councilmember White seconded. Motion carried on a vote of 4-0.

- D. Discuss and consider designating Mayor Tom Haley, Mayor Pro-tem Charles Roccaforte and City Administrator Don Ferguson as authorized signatories on the City of Wimberley depository bank accounts (*Mayor Tom Haley*).

City Administrator Ferguson explained the need for action in order to replace former Councilmember Jeri Xiques as a signatory and provide the required number of signatories. Councilmember White moved to approve the item as presented. Councilmember Appleman seconded. Motion carried on a vote of 4-0.

- E. Discuss and consider legal issues relating to the conduct of public officials when transacting public business (*Place Four Councilmember Steve Thurber*).

This item was heard after Agenda Item 5F.

Mayor Haley convened into Executive Session at 7:49 p.m. pursuant to Chapter 551.071 of the Texas Government Code for consultation with legal counsel.

Mayor Haley adjourned Executive Session and reconvened into Open Session at 8:10 p.m. No action was taken during Executive Session.

- F. Discuss and consider possible options relating to the development of a new City Hall facility for the City of Wimberley, Texas (*Mayor Tom Haley*).

This item was heard after Agenda Item 5D. Mayor Haley stressed that any options mentioned are for consideration/discussion only, and not to be construed as recommendations. He offered the following sites as possible options:

- the Wimberley Community Center
- the former First Baptist Church site (in cooperation with Hays County)
- a 3+ acre tract of the former First Baptist Church property
- the purchase of Plaza del Sol which currently provides space for City Hall
- property for sale by Charles Patterson at the Junction
- available acreage set aside at the Blue Hole property site
- the old Lumberyard property currently for sale

Councilmember Appleman suggested available property for sale adjacent to the Wimberley Community Center. No action was taken on this item.

6. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember Appleman requested discussion of commission/board membership terms. Councilmember Thurber requested a future agenda item on establishing a committee relating to the future operation of the Wimberley Community Center.

City Administrator Ferguson reported that Council's next agenda will contain an item relating to appointment of a new City Attorney due to the resignation Patty Akers from Bickerstaff Heath Delgado Acosta LLP.

Hearing no further announcements or future agenda item requests, Councilmember Thurber moved to adjourn. Mayor Haley called the meeting adjourned.

Adjournment: Council meeting adjourned at 8:13 p.m.

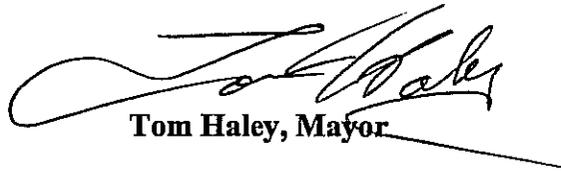
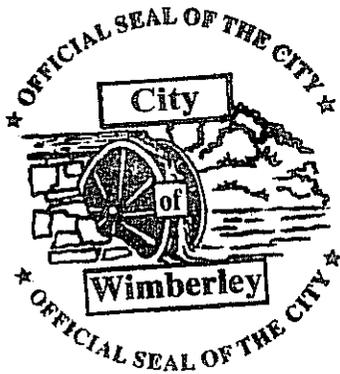
Recorded by:



Cara McPartland

These minutes approved on the 2nd of July, 2009.

APPROVED:



Tom Haley, Mayor