

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
August 3, 2017 at 6:00 p.m.

City Council meeting called to order at 6:10 p.m. by Mayor Mac McCullough.

Councilmembers Present: Mayor Mac McCullough, Councilmembers Steve Thurber, Craig Fore, Allison Davis, Gary Barchfeld, and Roberta Holland.

Staff Present: Interim City Administrator/City Secretary Cara McPartland, Parks Director Rebecca Manning, and City Attorney Emily Rogers

Councilmember Barchfeld gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Citizens Communications

Wimberley property owner Al Sander spoke of recent and historical water quality testing near the confluence of Cypress Creek and the Blanco River. He said regular testing has shown steady increases in E coli counts over the years and cited specific patterns and readings, including when bats were or were not present. He suggested the City needs to perform regular periodic testing due to unpredictable septic leaks and on a weekly basis during the summer. He inquired about recent possible spills and whether they affected the creek or Blue Hole. He also spoke on non-compliant signage and lack of enforcement of sign regulations. Mr. Sander felt they need to be removed for the City to maintain a clean and attractive look.

Texas A & M Extension Program Specialist Steve Mikulencak spoke on a community planning and hazard mitigation workshop to be held August 21, 2017 and distributed handouts to Council on certain workshop participants and activities.

Louis Parks (speaking after Agenda Item 3C) spoke on several non-compliant off-premise signs and thanked Mayor McCullough, staff, and many citizens for efforts in removing some of the offensive signs. He noted that a large billboard that has been the subject of discussion lately is outside the City.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of July 20, 2017
- B. Approval of minutes of the Special City Council meeting of July 17, 2017
- C. Approval of minutes of the Special City Council meeting of July 18, 2017
- D. Approval of minutes of the Special City Council meeting of July 27, 2017
- E. Approval of the June 2017 Financial Statements for the City of Wimberley

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

2. Mayor/ Assistant City Administrator / Park Manager Reports

- Status report on the Central Wimberley Wastewater Project

No report was provided.

- Status report Hidden Valley Low Water Crossing Reconstruction Project

Mayor McCullough reported that construction is back on track, the dam is properly working, and anticipated completion by the end of September or early October.

- Status report on Blue Hole Regional Park operations

Parks Director Rebecca Manning reported on total admissions, which are up 19% from the same period last year. She also reported on increased Wimberley Nights admission, decreased number of season passes sold this year, and substantial increase in 10-punch passes sold. She said Blue Hole Nature Camps wrapped up a very successful season and a lot of positive feedback was received. Councilmember Barchfeld asked Director Manning about fees for a Cub Scout group's use of Park facilities.

- Status report on current and future grant programs

Interim City Administrator McPartland reported on grant funds allocated to Wimberley by Hays County and action items later in the agenda relating to applying for available funds. She noted that funding is imminent for the City's Hazard Mitigation Grant Program (HMGP) to assist eligible citizens with either elevation or acquisition of flood-damaged properties.

- Status report on Planning Department digital data submittal standards

Interim City Administrator McPartland reported that all subdivision proposals will be required to submit a digital drawing file of the subdivision to the City, unless exempt, which is already required for submissions to Hays County. She advised that this digital data requirement will allow for a much more thorough plan review and is not burdensome to applicants.

- Status report on Fiscal Year 2018 Budget Preparations

Interim City Administrator McPartland reported that Mayor Pro tem Thurber is working on the proposed budget to be filed next week.

3. Presentations

- A. Presentation regarding grant funds received for Blue Hole Regional Park. (*Friends of Blue Hole Executive Director Susan Nenny*)

Friends of Blue Hole Executive Director Susan Nenney spoke on her organization's mission and purpose and presented two checks to the City for two projects. She presented a \$425 check from a Keep Wimberley Beautiful grant for planting of native seeds. She also presented an \$850 check from a Wimberley Civic Club grant to support free family movie nights in the Park, which she noted will never compete with the Corral Theatre's schedule.

- B. Presentation regarding a rate analysis report for the Central Wimberley Wastewater Project. (Rocky Craley, Manager; Raftelis Financial Consultants)

This item was heard after Agenda Item 3D.

Rocky Craley provided background on previous analyses, including the most recent one from November 2016, presented information on financial plan and rate study, study assumptions, and study results. He summarized the rate study update, including preliminary O & M and debt service costs; all revenue sources; wastewater monthly base charges; volumetric rate calculations; revenue in addition to user charges; grants (not reflected in financial plan); City \$200,000 contribution (includes reuse); and capital recovery from initial connections (to be paid over 8 years). He explained monthly charges, including base/volume charges and provided examples of typical residential/commercial user rates.

Discussion addressed update of data in 2016; projected O & M costs; LUE numbers used; anticipated level of growth when system is built; revenue requirements met without including grant funding; reserve policies for excess revenue; possible future development to increase LUEs; and lifeline rates.

- C. Presentation regarding current Texas Commission on Environmental Quality (TCEQ) permitting, beneficial reuse credits, and hybrid permits. (*Chris Herrington, City of Austin Watershed Protection Department*)

This item was heard after Agenda Item 3A.

City of Austin Watershed Protection Department Environmental Engineer Chris Herrington gave a presentation on area growth and associated problems; projected water use; beneficial reuse; sale of reclaimed water to new developments; development of hybrid permits; and reclaimed water as a way to eliminate or substantially reduce the possibility of discharge.

- D. Presentation regarding historical and future water testing for local waterways and recent issues with the Woodcreek Dam. (*Meredith Miller, M.S.; Senior Program Coordinator, Watershed Services; Meadows Center for Water and the Environment*)

This item was heard after Mr. Parks citizen comments.

Senior Program Coordinator Meredith Miller spoke on the Cypress Creek Watershed Protection Plan; stakeholder partnership; update on Woodcreek Dam problems; historical water quality monitoring/flows; pollution prevention; measures already taken and those underway to repair/remove the Woodcreek Dam; bacterial source tracking; Texas Clean Rivers Program;

Wimberley Valley Watershed Association; importance of baseline data and continued testing; test result trends; consistently high numbers for downtown; and negative impact of low flows/drought.

David Baker spoke of the importance of baseline data to detect trends and water as the heart of Wimberley and the essence of our economy. He said managing groundwater consumption and development is critical for maintaining water quality.

Discussion addressed the date/location of upcoming DNA testing, sampling methods, baseline testing, and specific past tests on certain types of contaminants.

Mayor McCullough called a recess at 7:43 p.m. and reconvened at 7:53 p.m.

4. Public Hearing and Possible Action

Hold a public hearing and consider approval of the first reading of an ordinance of the City of Wimberley, Texas amending Title XV (Land Usage), Chapter 155 (Zoning), Section 155.005 (Definitions) and Section 155.078 (Supplemental Regulations) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, and effective date, and proper notice and meeting. (*Interim City Administrator; this item was continued from the July 20, 2017 City Council meeting*)

This item was heard after Agenda Item 5A.

Interim City Administrator McPartland provided background on the intent and purpose of the ordinance that would allow improvements to pre-existing Market Days Area structures, while maintaining fire mitigation/protection safeguards, in the most equitable way. Discussion supported the ordinance as a way to improve the existing structures.

Mayor McCullough opened the public hearing.

An unidentified audience member commented on the wording of the agenda item and was advised that supporting documents for this item are posted on the City's website.

Hearing no comments, Mayor McCullough closed the public hearing.

Councilmember Thurber moved to approve the first reading of the ordinance, as presented. Councilmember Davis seconded. Motion carried on a vote of 5-0.

5. Ordinances

- A. Hold a public hearing and consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas amending Title XV (Land Usage), Chapter 155 (Zoning), Sections 155.035 (Residential Acreage; RA), 155.036 (Rural Residential 1; R-1), 155.037 (Single-Family Residential 2; R-2), 155.038 (Single-Family Residential 3;

R-3), 155.039 (Single-Family Residential 4; R-4), 155.040 (Two-Family Residential (Duplex); R-5), 155.041 (Multi-Family Residential 1 (Triplex/Quadriplex/Apartments); MF-1), 155.042 (Multi-Family Residential 2 (Apartments); MF-2), 155.043 (Mobile Home; MH), and 155.076 (Accessory Building and Use Regulations) of the City of Wimberley Code of Ordinances to include a contiguous property under the same ownership provision under Accessory Building and Use Regulations; and providing for the following: findings of fact, savings, severability, repealer, effective date, and proper notice and meeting. (*Interim City Administrator*)

This item was heard after Agenda Item 5B.

Interim City Administrator McPartland provided background information on the impetus and reasoning for development of this ordinance that would avoid the need for property owners to go through a lengthy and expensive subdivision to build an accessory building on a contiguous tract that they own. She noted that Council unanimously recommended approval on first reading of the ordinance at its July 20th meeting.

No public comments were heard.

Councilmember Barchfeld moved to approve the second and final reading of the ordinance, as presented. Councilmember Holland seconded. Motion carried on a vote of 5-0.

- B. Consider approval of an ordinance of the City of Wimberley, Texas amending Title III (Administration), Chapter 35 (Fee Schedule), of the Code of Ordinances concerning the City's wastewater utility system rates and fees and providing for the following: findings of fact; establishing a rate schedule; relation to other ordinances; effective date; severability; proper notice and meeting. (*Mayor Mac McCullough*)

This item was heard after Agenda Item 3B.

City Attorney Emily Rogers explained phased rates, base rate per LUE, capital recovery fees; BOD (bio-oxygen demand); and recommended that council look at rates every year. Discussion addressed adoption of rates to maintain coverage as part of bond obligations; and process to adopt an impact fee.

Councilmember Thurber moved to approve the ordinance, as presented. Councilmember Davis seconded. Motion carried on a vote of 3-2. Councilmember Barchfeld and Fore voted against.

Mayor McCullough called for a recess at 8:30 p.m. and reconvened at 8:38 p.m.

6. Discussion and Possible Action

- A. Discuss and consider possible action accepting the award of Hazard Mitigation Grant Program (HMGP) funding for the City of Wimberley Acquisition and Elevation Project. (*Mayor Mac McCullough*)

This item was heard after Agenda Item 4.

Interim City Administrator McPartland advised that the City received a letter of award of HMGP funding for elevation and buy-out of certain qualifying flood-damaged properties. Suellen Jordan of Langford Community Management Services provided background information from grant application submission to date, including completion of a required archeological study, number of properties for acquisition and number of homes for elevation, and match requirements. She highlighted Langford's many areas of expertise in different types of grant administration from the start of projects through close-out. Discussion addressed needed appraisals/survey, bid documents, and match requirements.

Councilmember Thurber moved to approve accepting the award of Hazard Mitigation Grant Program (HMGP) funding for the City of Wimberley Acquisition and Elevation Project. Councilmember Fore seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action approving submittal of an application to the General Land Office-Community Development Block Grant-Disaster Recovery Non-competitive Disaster Funds. (*Interim City Administrator*)

Interim City Administrator McPartland explained that Hays County received approximately \$7,000,000 in grant funds, with about \$1,000,000 allocated for Wimberley. Suellen Jordan provided a breakdown of funding available for housing/non-housing and noted that housing has to be 100% low-to-moderate income homes. She said a door-to-door survey would have to be done to identify qualifying homeowners. She noted that a few of the homeowners participating in the HMGP may be a fit for this grant, which might help with the owner's 25% match requirement. She spoke on types of projects that could be funded and stressed there is no match requirement for these grant funds.

Councilmember Thurber moved to approve submittal of an application to the General Land Office-Community Development Block Grant-Disaster Recovery Non-competitive Disaster Funds. Councilmember Davis seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action approving issuance of a Request for Proposals for administrative services for the General Land Office-Community Development Block Grant-Disaster Recovery Grant. (*Interim City Administrator*)

Interim City Administrator McPartland recommended issuance of a Request for Proposals (RFP) for grant administration of the previously discussed CDBG grant (see Agenda Item 6B).

Councilmember Thurber moved to approve issuance of a Request for Proposals for administrative services for the General Land Office-Community Development Block Grant-Disaster Recovery Grant. Councilmember Davis seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas. (*Randy Engemoen, Applicant; Rondooley's*)

Interim City Administrator McPartland reviewed the subject operation's location, hours of operation, on-site restrooms, and parking. She noted that the applicant has obtained a Mobile Food Establishment Permit approved by the City Sanitarian.

Food trailer operator Allison Schwabe spoke on her family's history in Wimberley and her experience in the food service industry.

Councilmember Fore moved to approve the request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas. Councilmember David seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider possible action to create a *TML Claim Fund* account with city's depository bank for deposit of Texas Municipal League Intergovernmental Risk Pool insurance proceeds. (*Interim City Administrator*)

Interim City Administrator McPartland requested Council approval to create a TML Claim Fund with the City's depository bank for deposits of TMLIRP insurance proceeds.

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

- F. Discuss and consider possible action to create an *EDA Grant* account with the city's depository bank for grant fund deposits. (*Interim City Administrator*)

Interim City Administrator McPartland recommended that Council approve creating an EDA Grant account with the City's depository bank to allow for deposits of grant funds.

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

- G. Discuss and consider possible action to create a *Hazard Mitigation Grant Program (HMGP)* account with the city's depository bank for grant fund deposits. (*Interim City Administrator*)

Interim City Administrator McPartland recommended that Council approve creating a HMGP account with the City's depository bank to allow for deposit of grant funds.

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

- H. Discuss and consider approval of a transfer of up to \$100,510 from the City's General Fund to the Wastewater Interest and Sinking Fund to reserve funds for the 2018 annual debt service on the City's Texas Water Development Board (TWDB) loan for planning and design of the central Wimberley Wastewater System. (*Interim City Administrator*)

Interim City Administrator McPartland explained that under the City's loan requirements, the City must maintain a reserve fund containing one year of debt service. As this year's debt

service was paid on August 1st, Council needs to approve transferring an amount sufficient to cover the debt service payment due on August 1, 2018.

Councilmember Thurber noted that this reserve fund amount is budgeted for every year, as required. Councilmember Thurber moved to approve a transfer of up to \$100,510 from the city's general fund to the Wastewater Interest and Sinking Fund to reserve funds for the 2018 annual debt service on the City's Texas Water Development Board (TWDB) loan for planning and design of the central Wimberley Wastewater System. Councilmember Fore seconded. Motion carried on a vote of 5-0.

- I. Discuss and consider possible action regarding Planning and Zoning Commission attendance issues, removal requirements for Commission members, and appointments to fill vacancies. (*Mayor Mac McCullough*)

Mayor McCullough asked to revisit and rescind Council's prior action of June 1st that should be more appropriately addressed as a Zoning Code amendment, as the action changed the removal requirements for lack of attendance.

Councilmember Thurber moved to approve rescinding Council's action on June 1, 2017 regarding Planning and Zoning Commission attendance issues, removal requirements for Commission members, and appointments to fill vacancies. Councilmember Davis seconded.

Discussion addressed possible future Council action. Motion carried on a vote of 5-0.

- J. Discuss and consider possible action on reconsidering previous appointments to the Wastewater Impact Fee Advisory Committee. (*Mayor Mac McCullough*)

Mayor McCullough requested that Council reconsider previous appointments and discussion addressed requirements for committee composition, possible conflict of interest issues, committee as an advisory body required by statute, and clarification that the committee only advises on the impact fees (not user fees). No action was taken.

- K. Discuss and consider possible action regarding approval of a grant agreement with Peter Way relating to construction of the Central Wimberley Wastewater Project. (*Mayor Mac McCullough*)

Interim City Administrator McPartland advised that attorneys are still finalizing the agreement and anticipated bringing this item back to Council at its next regular meeting. No action was taken.

- L. Discuss and consider possible action to dissolve the Technology Advisory Committee. (*Mayor Mac McCullough*)

Jeanne Ann Cope said her husband Jerre Cope worked hard on this committee and she felt that committee members were not provided direction on how to proceed after several members resigned and/or had attendance issues. Discussion addressed scope of work, guidance and

direction, need for website improvements, and possible future efforts toward those improvements. No action was taken.

- M. Discuss and consider possible action setting a date and time for a joint City Council/Hotel Occupancy Tax Advisory Committee workshop meeting. (*Place One Councilmember Steve Thurber*)

Councilmember Thurber requested that this item be continued to a future date.

- N. Discuss and consider possible action regarding development of an ordinance regulating food trucks/trailers in the City of Wimberley. (*Place Three Councilmember Allison Davis*)

Councilmember Davis provided background information on the purpose and intent of a food truck ordinance. Her presentation included mobile versus portable food establishments; current Texas Food Establishment Regulations (TFER)/City of Wimberley regulations; Wimberley's current use of a Temporary Structure Permit ordinance to regulate food trailers; current policy problems; and major policy decisions for Council to consider. Interim City Administrator McPartland recommended direction from Council before proceeding with drafting of an ordinance by legal counsel. Issues such as aesthetics, grandfathering for existing structures, and a possible future workshop were discussed. No action was taken.

- O. Discuss and consider possible action regarding negotiations for service agreement(s) relating to the trucking and acceptance of treated effluent to reduce the potential of effluent discharge. (*Place Three Councilmember Allison Davis*)

Councilmember Davis referenced Council's prior agenda item from October 2016 that postponed action and discussion included various options to reduce the potential of discharge. No action was taken.

- P. Discuss and consider possible action regarding the study of short-term rentals and review of previous City Council and Planning and Zoning Commission recommendations. (*Place Four Councilmember Gary Barchfeld*)

Councilmember Barchfeld spoke on prior efforts toward enforcement of short-term rentals and stated the ordinance was continued several times to allow for the state legislature to take action.

Councilmember Barchfeld moved to proceed with restarting the public notification process for the previously considered draft ordinance from Council's March 16th meeting. Councilmember Holland seconded. Motion carried on a vote of 5-0.

- Q. Discuss and consider possible action regarding development of a tuition reimbursement program for City of Wimberley employees. (*Place Four Councilmember Gary Barchfeld*)

Councilmember Barchfeld presented examples of other cities' policies and proposed that the City allocate \$5,000 in the FY2018 budget for the program. Examples of policy guidelines from

other cities were cited and details were provided on a specific public administration course of study and its costs. Councilmember Barchfeld offered to develop a draft policy for consideration. Interim City Administrator McPartland requested clarification and direction on what Council would like to include in the policy.

Councilmember Barchfeld moved to draft a tuition reimbursement program for consideration at Council's next regular meeting. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- R. Discussion regarding possible development of public swimming pool facilities. (*Place Four Councilmember Gary Barchfeld*)

Councilmember Barchfeld moved to request Council approval to form a task force to research development of a public swimming pool. Councilmember Davis seconded. Motion carried on a vote of 5-0.

- S. Discussion of the Wimberley Wastewater Treatment Plant and review of all documents submitted to the Texas Water Development Board (TWDB). (*Place Four Councilmember Gary Barchfeld*)

Councilmember Barchfeld said he wanted to talk about everything involved with the wastewater treatment plant. Discussion included submission of documents by the City's financial advisor/bond counsel.

- T. Discussion of the Wimberley Wastewater Treatment Plant and review any related studies, including current proforma, documents, or statements about the City's TWDB loan, or acceptance of grants from public or private sources. (*Place Four Councilmember Gary Barchfeld*)

Councilmember Barchfeld asked about the status of Peter Way and EDA grants. Discussion established that the Peter Way grant agreement is under legal review, the EDA grant is in the preliminary stages, and has not been funded, and that Raftelis' rate analysis included a statement that O & M costs may come in lower than expected.

- U. Discussion of the Wimberley Wastewater Treatment Plant and a report on any meetings that have taken place or those that have been scheduled. (*Place Four Councilmember Gary Barchfeld*)

Councilmember Barchfeld was curious if anyone (on Council) has gone to TWDB or EDA and asked if there any future meetings are planned. Mayor McCullough said the only meeting he had was after the election to introduce Mayor Pro tem Thurber to TWDB personnel, with no changes to the project. Discussion addressed requests made to the lowest bidding contractors regarding bid extensions.

- V. Discussion of the Wimberley Wastewater Treatment Plant and financial review of money spent to date. (*Place Four Councilmember Gary Barchfeld*)

Councilmember Barchfeld asked if we have spent anything on the plant and asked if money is being set aside, as his understanding is that when we close on the loan we will have to start paying the interest right away. Discussion established that the annual payment was made on the City's planning and design (PAD) loan from TWDB.

- W. Discussion of the Wimberley Wastewater Treatment Plant, including bids, how the project will be paid for, along with contingencies for overruns and change orders, who will connect to the system, costs for connections, and any other items germane to the Wimberley Wastewater Treatment Plant. *(Place Four Councilmember Gary Barchfeld)*

Councilmember Barchfeld requested status of the bids and project engineer comments, and questioned why next lowest bid was not considered. Discussion addressed Council's lack of involvement in the bid extension of the two lowest bidders; project manager costs/contingencies for overruns; loan amount/grants to cover construction; adherence to mandatory connection ordinance; bid tabulations/total construction costs; 5% versus 12% contingency; project manager costs from general fund; and alt bid amounts.

- X. Discuss and consider action regarding issues relating to the proposed development of the Fiscal Year 2018 Budget. *(Interim City Administrator)*

Interim City Administrator McPartland requested that Council approve scheduling the public hearing on the FY2018 Budget for September 7, 2017 at 6 p.m.

Councilmember Thurber moved to approve setting the date for the public hearing on the FY2018 Budget for September 7, 2017 at 6 p.m. as recommended. Councilmember Barchfeld seconded. Motion carried on a vote of 5-0.

7. City Council Reports

- Announcements
- Future Agenda Items

Future agenda items requested:

Councilmember Barchfeld requested an item to allow the City to state a position on the potential discharge into the Blanco River by the City of Blanco.

Councilmember Davis requested consideration of a draft food court ordinance incorporating issues raised in tonight's discussion.

Councilmember Thurber requested items on procedures for adoption of wastewater impact fees and for the process of amending the Planning and Zoning Commission ordinance to address attendance and removal issues.

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

Adjournment: Council meeting adjourned at 11:24 p.m.

Recorded by:

Cara McPartland

Cara McPartland

These minutes approved on the 17th of August, 2017.



APPROVED:

[Handwritten Signature]

Mac McCullough, Mayor