

City of Wimberley
 City Hall
 221 Stillwater
 Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
 June 6, 2013 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

Friends of Blue Hole Executive Director Steve Klepfer encouraged attendance at the upcoming Blue Hole Concerts for the Park music festival to be held June 7-9, 2013. He provided details on preparations for this event benefitting the Park and thanked Council and staff for their support.

Pedernales Electric Cooperative (PEC) Community & Economic Development Representative Tessa Doehrman invited all to attend PEC's annual meeting to be held on June 22, 2013 in Kyle and provided details on scheduled events and activities. She stated that ballots have been mailed out for the upcoming board member election for the district covering western Hays County and encouraged all PEC members to vote. Ms. Doehrman advised that PEC voting districts are not single-member districts.

1. Oath of Office

Administer the oath of office to the councilmembers-elect for Places One, Three and Five on the City Council of the City of Wimberley, Texas. (*City Administrator*)

Mayor Flocke administered the oath of office to Place One Councilmember-elect Tom Talcott, Place Three Councilmember-elect Matt Meeks, and Place Five Councilmember-elect John D. White.

2. Consent Agenda

- A. Approval of the minutes of the Regular City Council meeting of May 16, 2013
- B. Approval of the minutes of the Special City Council meeting of May 16, 2013

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

3. City Administrator Report

- Status report on the issuance of certificates of obligation to help fund the planning and design of a central Wimberley wastewater system

This status report was presented at the end of Agenda Item 3.

City Administrator Ferguson briefed City Council on the status of the City's desire to claim the professional services exemption from the notice requirement for the City's planned issuance of Certificates of Obligation (CO) to fund the planning and design of a central Wimberley wastewater system. He noted that City Council on May 16th directed City staff to move forward with the process needed to claim an exception to the abovementioned notice requirement, so as to avoid the potential risk of further delay in closing of the City's Texas Water Development Board (TWDB) loan for planning and design of a wastewater system. Per the direction of City Council, City Administrator Ferguson said the City's Bond Counsel formally contacted the head of the Texas Attorney General's Public Finance Division to request an opinion as to whether the City could rely on the referenced professional services exception. He said the Division reviewed the City's request. Afterwards, City Administrator Ferguson said the head of the Division indicated that because the professional services to be funded related to a larger wastewater project, the Division did not feel it could approve use of the requested exemption. He said the Division head indicated that it was going to be the Division's policy to restrict use of the professional services exception to situations where the professional services were the project itself, such as payment to outside auditors. Instead of certificates of obligation, Ferguson said the head of the Division indicated the City should consider using tax notes which would be issued without any notice and publication requirement and expedite the closing of the loan. He noted tax notes will afford the City the same relief from the notice requirement that the CO exemption would have provided

City Administrator Ferguson added that City staff is proceeding with development of the Request for Qualifications (RFQ) that will be used to secure the engineering firm that will handle the planning and design process for the central Wimberley wastewater system. He said the firm chosen by City Council will work with a broad-based citizen stakeholder group in a planning process that is intended to vet the various service options, concerns, and issues relating to the provision of wastewater service to the central Wimberley area. He reminded City Council that neither City Council nor City staff will facilitate or direct the planning process to keep the process as independent as possible.

Discussion between Councilmember Talcott and City Administrator Ferguson established that during the planning and design phase a broad-based stakeholder group will be appointed by Council to work closely with whichever engineering firm is selected resulting from the RFQ process. It was noted that in addition to the preferred option listed in the TWDB loan application, the engineering firm will examine all feasible options for a central wastewater system. Discussion followed on the RFQ process to select an engineering firm and possible criteria for appointments to the stakeholder group that will include all interested parties, and (at Mayor Flocke's suggestion) not be limited only to those who have been vocal to date.

- Status report on the construction of the new Ace Hardware store

City Administrator Ferguson reported on the nearly completed plan review process, building site soil preparation, and upcoming boring work.

- Status report on central Wimberley water quality issues

City Administrator Ferguson reported on the timeframe for recent enhanced test results, upstream test locations, and establishment of professionally conducted tests on a permanent basis.

- Status report on the use of the Blue Hole Regional Park for the production of movies and commercials

City Administrator Ferguson reported on recent commercial shoots held at the Park, including revenue generated, policy on Park closures/operations, filming agreement requirement, and protection of Park property.

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

City Administrator Ferguson reported on preparations for the Blue Hole Concerts for the Park music festival scheduled for June 7-9, with all proceeds benefitting Park operations and maintenance.

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

City Administrator Ferguson reported on routine lift station cleaning and noted that the plant is operating well within permit limits.

Councilmember Thurber thanked City staff for their assistance to Friends of Blue Hole in preparing for the upcoming Concerts for the Park event.

City Administrator Ferguson expressed appreciation to Bert Ray for personally crafting the “Wimberley Square” lettering installed by Sign Crafters on the low wall in the Square, which was constructed as part of the Ranch Road 12/Old Kyle Road improvement project. He added that the City will assume maintenance of project-related landscaping in the Square, with particular attention paid to the recently planted row of trees, which are showing signs of improvement. He advised of efforts to improve compliance with recently installed one-way directional traffic signage in the Square.

4. Presentation

Presentation of proposed revisions to the sign regulations for the City of Wimberley, Texas

City Administrator Ferguson advised that this item will be continued until Council’s meeting on June 20, 2013.

5. Discussion and Possible Action

- A. Discuss and consider approval of an appointment of a mayor pro-tempore for the City of Wimberley, Texas. (*City Administrator*)

Mayor Flocke recommended the reappointment of current Mayor Pro-tem John White. Councilmember McCullough moved to reappoint John White as mayor pro-tem for a term of one (1) year. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider action on issues relating to the City of Wimberley's loan from the Texas Water Development Board relating to the planning and design of a central Wimberley wastewater system. (*City Administrator*)

Based on the previously described response from the the Attorney General's Public Finance Division and the City Council's recent decision to move forward with a process that will avoid the potential risk of further delay in the closing the TWDB loan, City Administrator Ferguson said City staff is recommending the City issue tax notes rather than COs. To do so, he said formal action is needed by City Council to allow City staff to formally request the TWDB modify the loan commitment to reflect the City's intended use of tax notes rather than COs. He said the TWDB has previously approved the use of tax notes for similar loan commitments.

Bert Ray encouraged Council to proceed with loan closing as soon as possible to keep the project moving forward.

Gail Pigg highlighted her experience as a professional engineer and expressed concerns that she may be not be appointed to a stakeholder group, based on a comment made earlier by Mayor Flocke stating that new voices need to be heard on this issue. It was stressed that no decision has been made on the composition of stakeholder group membership at this time.

Councilmember McCullough moved to approve tax notes to service the debt on the TWDB loan. Councilmember Thurber seconded.

Councilmember White requested that the motion include language that the engineering firm selected (as a result of an open and objective RFQ process) should independently arrive at the most economical and environmentally safe wastewater system, including examination of a phased approach to provision of service.

After discussion of possible additional motion language, City Administrator Ferguson recommended the motion direct staff to move forward with the process of issuing tax notes, with the understanding that such tax notes will fund the TWDB loan for planning and design, which will follow the independent, public process as outlined earlier by Councilmember White. Councilmembers McCullough and Thurber expressed no objections and agreed with the additional motion wording as recommended by City Administrator Ferguson.

Councilmember Talcott did not want any bias shown during the processes for selecting an engineering firm and appointing a stakeholder group. He expressed concerns that Mayor

Flocke's earlier opinion regarding the need for input from those unheard on this issue may create bias during the stakeholder group appointment process. He felt it important to add to the motion that there will be no bias shown when selecting members of a stakeholder group.

Discussion agreed on the need for an independent, fair, and impartial process for gathering and assessing public input during planning and design, as well as an unbiased appointment process for appointing stakeholders. Clarification on TWDB loan application requirements explained the reasoning for selecting a preferred option (Option No. 4), but stressed the understanding that despite said selection, all options remain open for consideration.

Mayor Flocke called for a vote as follows: Councilmember White, aye; Councilmember Thurber, aye; Councilmember Meeks, nay; Councilmember McCullough, aye; Councilmember Talcott, aye. Motion carried on a vote of 4-1.

- C. Discuss and consider action authorizing the city administrator to execute a contract with the Texas Municipal League Intergovernmental Employee Benefits Pool (TML-IEBP) relating to the provision of health benefits for full-time employees of the City of Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson highlighted key features of the proposed benefits package, including anticipated cost per employee. In order to retain and attract qualified employees, he recommended approval of the package, which is within the budgeted amount approved by Council.

Councilmember Meeks moved to approve the item, as presented. Councilmember Talcott seconded.

Discussion addressed the package's costs to the City, discontinuance of current employee health insurance stipends, eligibility for coverage, and increased basic life and (AD&D) insurance coverage. It was noted that employees have the option of purchasing additional life insurance coverage at their own cost.

Based on discussion, Councilmember Meeks amended his motion to increase the basic employee life and accidental death and disability (AD&D) insurance from up to \$100,000 to up to \$200,000. Councilmember Talcott seconded the motion, as amended. Motion carried on a vote of 5-0.

- D. Discuss and consider action regarding the proposed placement of informational signage at certain locations on the Cypress Creek in the City of Wimberley, Texas relating to the presence of bacteria in the Creek. (*City Administrator*)

City Administrator Ferguson asked for Council direction on the proposed signage intended to warn the public that natural waterways may from time to time contain elevated levels of bacteria that are unacceptable for public recreation. He noted that prior to any sign placement, certified letters would be sent to waterfront property owners in the area of elevated levels.

Discussion addressed the need to inform the public of possible risks, number/location of signs, and liability issues.

Councilmember Meeks moved to direct staff to develop a plan for signage location(s) and wording for future Council consideration. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider action authorizing the transfer of an amount not to exceed \$40,000 from the Operating Fund for the Blue Hole Regional Park to the Blue Hole Development Fund to fund development and installation of stone benches in the Park and amending the Fiscal Year 2013 Budget for the two (2) funds to reflect transfer and expenditure. (*City Administrator*)

City Administrator Ferguson recommended the use of funds left over from the recent Park development to fund the bench project, which includes the acquisition of eight (8) additional stone benches, fifteen (15) wooden bench tops for new and existing stone benches, and sponsor plaques for each of the stone benches in the Park.

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

- F. Discuss and consider possible action regarding a request for a variance from the City of Wimberley Sign Ordinance for a business located at 12111 Ranch Road 12, Suite 118, Wimberley, Texas. (*Judy Harrison, Applicant*)

City Administrator Ferguson reviewed the subject property's location in the corner suite of a strip center. The front wall of the business is only visible to northbound Ranch Road 12 traffic, while the east (side) wall of the business is visible to both north and southbound traffic. Because City Code limits wall signage to the front wall only, a variance is needed to place a sign on the side wall. It was noted that the applicant installed a sign on the side wall that meets size requirements, but was notified that a variance is needed for the side wall sign to remain in place. City Administrator Ferguson recalled Council's previous denial of a similar variance request from a different applicant at the same location several years ago. He recommended approval and stated that Council may grant a sign variance, if the following conditions are met:

- The variance will not authorize a type of sign which is specifically prohibited.
- The variance is not contrary to the goals and objectives outlined by the City of Wimberley Comprehensive Plan.
- The variance is not contrary to the public interest.
- Due to special conditions, a literal enforcement of the sign ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement.
- Financial or economic hardship alone will not ordinarily satisfy this requirement.
- The spirit and purpose of the chapter will be observed, and substantial justice will be done.

Councilmember Talcott moved to approve the sign variance, as presented, including affirmative findings on the abovementioned conditions. Councilmember Meeks seconded.

Discussion addressed whether affirmative findings could be made on all of the conditions listed above, upcoming Council consideration to revise the City's Sign Ordinance, whether applicant should be asked to remove the existing, non-compliant sign pending Council action on the Sign Ordinance revision, and need for business owners to maximize visibility.

Motion carried on a vote of 3-2, with Councilmembers Thurber and McCullough voting against.

6. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember Talcott requested discussion of concealed handguns in City Hall.

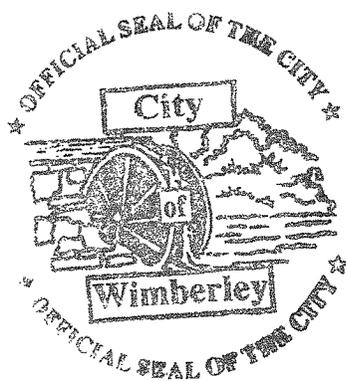
Hearing no further announcements or future agenda items, Mayor Flocke called the meeting adjourned.

Adjournment: Council meeting adjourned at 7:36 p.m.

Recorded by:


Cara McPartland

These minutes approved on the 20th of June, 2013.



APPROVED:



Bob Flocke, Mayor