

**City of Wimberley**  
City Hall, 221 Stillwater  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
February 2, 2017 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Mac McCullough.

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

Councilmembers Present: Mayor Mac McCullough, Councilmembers Bob Dussler, Craig Fore, Sally Trapp, Gary Barchfeld, and John White.

Staff Present: City Administrator Don Ferguson & City Secretary Cara McPartland

**Proclamations**

- A. Proclamation of the City of Wimberley, Texas proclaiming the month of February 2017 as Dating Violence Awareness and Prevention Month.

Mayor McCullough presented the proclamation to Katherine Casares of Hays Caldwell Women's Center, who thanked the City for its support in promoting the Center, its work, and healthy relationships.

- B. Proclamation of the City of Wimberley, Texas proclaiming Saturday, February 11, 2017, as "Nancy Bane Day" in honor of Nancy Bane's 100<sup>th</sup> birthday.

Mayor McCullough read the proclamation to be presented to Nancy Bane at Deer Creek of Wimberley on February 11, 2017.

**Citizens Communications**

Former Mayor Steve Klepfer reminded and urged this City Council to remember that it has a Comprehensive Plan, which is the City's official civic guidance document reflecting the desires of citizens. He provided background information on the Plan's initial development, reviews, updates, public input, and citywide mail-outs/surveys. He noted all versions of the Plan included the requirement that the City control its sewer system to produce effluent of the highest and cleanest standards. He said doing otherwise would violate this important document. Mr. Klepfer said all three versions of the Plan were passed unanimously by the Plan's steering committee, the Planning and Zoning Commission, and City Council and he listed the names of members of these bodies, respectively. He read the following from page 27 of the Plan (D)(2)(a-c):

2. Ensure an adequate and reliable wastewater system for current and future residents.
  - a) The City should develop municipal wastewater treatment systems designed to protect our waterways and aquifers and require the treatment of all effluent utilizing the highest and

cleanest standards available at the time. Growth demand on our water resource necessitates the treated effluent be recycled by either reuse, return, or recharge of the aquifer.

- b) All municipal wastewater treatment systems developed by the City should be designed to protect the environment and be of a limited capacity that is sized only to accommodate a designated location and its projected use.
- c) The City alone, or in partnership with private or governmental entities, should control any wastewater systems, including their discharge components.

Mr. Thurber said this is Council's document that is supposed to guide it and did not know why Council is talking about all of these other things.

Former Mayor Steve Thurber said when he left office in May a wastewater plan was in place that was basically shovel ready, had been vetted by numerous City Councils, stakeholder groups, and others, and deemed affordable by both the City and the ratepayers. He said we have financing and a permit to make this a reality. He stated that since then Council has chosen to delay the project to look at other options. He said we are now nine months along and right back where we started with the same conclusion – that the City plan is the preferred plan. He stated none of the options presented last night and the week before satisfied all the goals of eliminating all the septic systems in the service area, being affordable to the City and the ratepayers, being environmentally sound, and providing adequate water to sustain the Park. He said it should be noted that since May the City plan has become much more affordable with a \$1,000,000 grant and the reworking of the lift stations, and possibly an additional sum for removing the “purple pipe.” Mr. Thurber stated the biggest issue has been not wanting to discharge. He said he does not want discharge either, and asked “Who does?” He said that is why there is a legally binding settlement agreement in place that restricts potential discharge only upon certain conditions. He noted that Council has taken additional steps to ensure that there will be no discharge, such as trucking away effluent when the storage tank is full. He said some say future Councils could decide to discharge at will. He asked: “How many people have said they want to discharge?” He said he could guarantee that anyone who did say they want discharge would not get many votes if they put their name on a ballot. He stated the chance of this or any other City Council going for total discharge is remote. He said to use the discharge as a reason to seek these other options is totally disingenuous and a scare tactic. He noted the City has the most environmentally sound permit ever issued by the State of Texas and is a product of the City and all parties involved working together for the common good. He said TCEQ now uses our permit as a model for others to follow, which is something we should be proud of. Mr. Thurber stated that the reason Councilmember Barchfeld is looking at other options is in the event that bids come in higher than anticipated. Mr. Thurber said “Remember, if the bids come in higher, the other options are going to cost more, too.” He also reminded that none of the other options presented have been shown to be less expensive than the City plan. Mr. Thurber said his point is that by delaying the City plan, you have divided this community and it is time for you all to come together and do the right thing and tell the citizens of Wimberley to support the City project. He said it is an environmentally sound, affordable plant that the entire City can be proud of. He favored working together to make the City plan work for the benefit of us all and do it now. He said we have seen option after option with enough numbers to make even a “number-

cruncher like myself” bleary-eyed. He said this does nothing but further divide us and urged Council to move forward with the City plan.

Louis Parks apologized to Council if his remarks at last night’s workshop meeting sounded angry. He referred to Councilmember Fore’s question at last night’s meeting regarding doing away with the 500,000 gallon storage tank and using a holding pond instead. Mr. Parks said a pond might sound like a good idea, but pointed to Council’s prior discussions establishing that such an option is not feasible, and citing reasons (such as grant restrictions) that a pond could not be on park land. To utilize a pond, Mr. Parks said the City would have to buy land outside the Park and possibly exercise eminent domain at a very expensive cost. He noted that every elected body has been told by the public that it will not pay for a downtown sewer system with an ad valorem tax and cited an example of the City’s unwillingness to pledge tax revenues. Mr. Parks felt that buying land outside the Park and operating a pond would add at least \$2,000,000 to this plan. He thought that this Council would find this unacceptable.

Susan Nenney thanked Council for holding last night’s workshop and referenced comments made about “compassion for Blue Hole Regional Park.” She described the Park as an \$8,000,000 award-winning, self-sustaining, internationally recognized parkland that provides not only recreation and a nature destination, but is also an environmentally sound demonstration site for water conservation, Hill Country preservation, and more, that we all care about. She said that the compassion Council may have for the Park is completely insufficient. She said the Park is not a distant cousin, it is right here, and is a vital, integral part of this community, owned by the City of Wimberley, and every City Council member has a duty and responsibility to protect and sustain this asset, including the provision of enough water to make it thrive.

## **1. Consent Agenda**

- A. Approval of minutes of the Regular City Council meeting of January 19, 2017
- B. Approval of minutes of the Special City Council meeting of January 12, 2017
- C. Approval of minutes of the Special City Council meeting of January 23, 2017

Councilmember Trapp moved to approve all Consent Agenda items, as presented. Councilmember Barchfeld seconded. Motion carried on a vote of 5-0.

## **2. City Administrator Report**

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson reported the Texas Water Development Board (TWDB) continues its review of the construction bid package. He advised the project management contract has been executed. He reported that the City was contacted by TCEQ this week regarding a citizen complaint relating to bacteria in Cypress Creek. He said water quality test results were discussed with TCEQ, as well as plans to build a wastewater system. He noted the upcoming hearing date regarding parkland conversion.

- Status report Hidden Valley Low Water Crossing Reconstruction Project

City Administrator Ferguson reported the City is awaiting the issuance of the sand and gravel permit from Texas Parks and Wildlife (TPW), which is required for construction to begin. He reviewed prior conversations with TPW on reasons the TPW reviewer is holding up permit issuance and advised that the City is seeking assistance from legislators. He noted that Mayor McCullough issued an email to affected property owners encouraging them to send correspondence regarding the delays encountered in issuing the needed permit. Mayor McCullough urged the public and property owners to help with this effort.

- Status report on Blue Hole Regional Park operations

City Administrator Ferguson reported applications are being accepted for seasonal positions. He advised that the Wimberley Valley Dark Sky/Friends of Blue Hole had a successful site visit to the Park as they continue their planning efforts to conduct moon/star watch parties later this year. He reported Monster energy drink and Toyota shot commercials in the swimming area this past weekend.

- Status report on development activity in the City of Wimberley

City Administrator Ferguson reported development activity, including number of 2015-2016 commercial and residential building permits issued and associated values. He also reported on flood-related development activity.

- Status report on relocation of Wimberley Farmers Market

City Administrator Ferguson reported March 1<sup>st</sup> as the target date for relocation.

In addition, City Administrator Ferguson reported on a meeting with representatives from Tractor Supply regarding their proposed development of a 19,000 square foot store at a location off Ranch Road 12 just south of South River. He advised a joint City Council/Planning and Zoning Commission workshop meeting is planned later this month. He reported a notice on the proposed Wimberley Planned Development District (WPDD) will be published for public hearings to be held by the Planning and Zoning Commission and City Council on March 9 and March 16, respectively. Mayor McCullough added that he does not favor this proposed development and encouraged public participation. Discussion addressed the specific location of the proposed development.

### **3. Public Hearings and Possible Action**

Hold a public hearing and consider approval of the second and final reading of an ordinance amending Title XI (Business Regulations), Chapter 112 (Regulation of Vacation Rentals and Bed and Breakfast Lodgings) of the City of Wimberley Code of Ordinances; and amending Title XV (Land Usage), Chapter 155 (Zoning), Section 155.065 (Vacation Rental Lodging Requirements) 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.  
(*City Administrator*)

This item was heard after Agenda Item 4I.

City Administrator Ferguson recommended continuing this item in order to schedule a workshop prior to the proposed ordinance's second and final reading. Councilmember Barchfeld favored waiting to hold the workshop until Phil Collins has had a chance to finalize his data-gathering efforts on vacation rentals. Mayor McCullough favored continuing this item.

Councilmember Barchfeld moved to continue this item until Council's meeting on February 16, 2017. Councilmember White seconded. Motion carried on a vote of 5-0.

#### **4. Discussion and Possible Action**

- A. Discuss and consider possible action regarding a proposal to perform enhanced water testing on the Cypress Creek in Central Wimberley. (*Place Four Councilmember Gary Barchfeld*)

Susan Zimmerman spoke in favor of test results as being helpful and of value to Cypress Creek and the City of Wimberley. She encouraged Council to think about the validity of the testing and choose a neutral person from outside of the community to do the collection and suggested speaking to Andy Sansom with the Meadows Center.

Councilmember Barchfeld said this item is a follow-up from Council's last regular meeting and noted that Dr. Deborah Koeck is here to work with us to put a good test together. He outlined test parameters, including types of markers, number/location of tests, and timing of tests (before and after Market Days). He noted that Dr. Koeck has volunteered to do E. coli tests along the creek to give us supplemental information. He advised that the testing will not provide percentages of types of DNA found, but will indicate its presence. He said the microbial testing center based in Florida (Source Molecular) does not test for bats, but there is a company in Austin (Zara Environmental) that does such testing, with collections done by the company. He provided cost estimates for each company. City Administrator Ferguson compared both companies' testing/sampling procedures and estimated costs. He noted three DNA testing locations are planned, in addition to Dr. Koeck's planned bacteria testing. He advised that Zara's cost is estimated at \$5,416 for the DNA test results. Councilmember Barchfeld introduced Dr. Deborah Koeck to give a presentation and answer questions on the proposed testing. Councilmember Dussler stated that at Council's last meeting Dr. Koeck mentioned that she was biased and wondered if it is good practice to hire a testing company that is biased. Councilmember Dussler recalled that the Florida company testing would cost approximately \$800 per test and said Dr. Koeck's fee is \$1,325 for tests. Dr. Koeck corrected Councilmember Dussler's statement and said she is not charging the City anything. City Administrator Ferguson said the costs Councilmember Dussler may be referencing are from the Florida company and provided details on the Florida company's proposal. Councilmember Dussler stated his understanding that the only company that tests for bats is the Austin company. Councilmember Dussler said he was not a bat expert, but he thought that Mexican free-tailed bats are migratory and have left Wimberley for Mexico during the winter. Dr. Koeck said that the referenced bats do not all migrate and Texas State University has some in their parking garage. Councilmember Barchfeld did not recall Dr. Koeck's remarks about being biased, but said he discussed

independent collection and testing with her and asked her to talk about her professional ethics. Mayor McCullough stated that at the end of presentation he wanted to know what we can expect to gain from this enhanced testing. Councilmember Trapp asked Dr. Koeck whether her prior statements regarding bias indicated that she was biased in the name of science. Recalling her earlier statements, Dr. Koeck said her “science was biased on the point that I was not going to have personal feelings or get my personal feelings to be involved and that under those circumstances, if I was doing the testing, I did not wish to do the testing alone and that I wanted to have somebody from the City Council and somebody from citizens groups in town so we all knew exactly what was going on and exactly how it was done.” City Administrator Ferguson recalled at Council’s last meeting, the discussion was to have Dr. Koeck pull samples and have the Florida company do the testing. He noted that if the City contracts with the Austin company, Dr. Koeck would not be pulling the samples, as that company would do the sampling.

Dr. Koeck gave a presentation, which included background information on her professional/educational experience and qualifications, and specific jobs and accomplishments. She spoke on microbial source tracking, testing challenges, and determining point- and non-point source pollution. She noted her communications with Source Molecular and detailed its services and specific procedures ensuring quality control. Dr. Koeck stated her proposal to the City (at no cost) was to look at 12 sites from Blue Hole to the confluence of the Blanco River and Cypress Creek, emphasize areas above and below the Ranch Road 12 bridge, perform baseline E. coli sampling on February 12<sup>th</sup>, and conduct subsequent testing the week of February 13<sup>th</sup>. She said this testing will be done at no cost, use donated materials, and specific sites have not been chosen. She said if and when there is a wastewater system, if it does not solve the problem of contamination in the river, it would be nice to know where it is coming from and where high E. coli measurements are, in order to pinpoint hot spots for more accurate testing. She said she would not want to do tests alone and invited Council members, citizen group representatives, and the local newspaper to be present at the testing.

In response to a question from Susan Zimmerman on Dr. Koeck’s proposal, Dr. Koeck clarified her proposal is to look for hot spots from Blue Hole down to the confluence to find out where the E. coli is before blindly pulling samples and spending money with an outside source. Councilmember Barchfeld spoke of a recent conversation he had with Dr. Koeck about the students who would be helping with pulling samples. Dr. Koeck pointed out Texas State University’s “Stream Team” citizen science data is not used by the State to assess whether water bodies are meeting the designated surface water quality standards. She said it uses different methods than the professional water quality monitoring community, which has more stringent requirements. She said “Stream Team” data does not have the accuracy or precision of professional data and is not directly comparable. Dr. Koeck said she has qualified people who are being overseen by those with advanced degrees and noted she is hired by Travis County to do this work. Councilmember Barchfeld summarized the scope of Dr. Koeck’s work to include E. coli testing, involves her students for sample collecting, and is to be done at no cost to the City. Councilmember Barchfeld said Dr. Koeck would also be willing to help us during the DNA testing and City Administrator Ferguson noted Dr. Koeck would be an observing eye. Dr. Koeck said she has microbiologist colleagues who are also studying this and would be willing to come to Council and hold discussions on topics such as ribotyping. City Administrator Ferguson stated that DNA panels would include markers for humans, cattle, deer, ducks, and bats.

Mayor McCullough opened Council discussion.

Councilmember Fore reiterated prior comments that if there is a problem, he would like to know where it is. Councilmember Trapp said it hard to argue with Dr. Koeck's presentation, as it is free, she is very qualified, we have graduate students, and we have opened it up to the public. She thanked Dr. Koeck for offering her services and said it sounded great. Councilmember White said he would like to see the results, but did not want this testing to interfere with moving forward on the wastewater project. He noted his understanding of a conversation with Dr. Koeck that indicated her results would not be comparable to the professional lab that has all the extensive equipment. Dr. Koeck said the Stream Team students are using color and metric techniques (swimming pool chemical type testing) and said we have computer-based probes that we use for dissolved oxygen and spectrophotometric techniques to test turbidity. Councilmember White said he was confused on Texas State students' testing methods and Dr. Koeck provided clarification on the referenced testing program, which is run out of the Geography department, not the Science department, and is a different program.

Mayor McCullough opened public comments.

Roberta Shoemaker Beal asked if everyone is aware of the significance of a baseline study and if Dr. Koeck would be willing to meet with the public. Dr. Koeck spoke of her own experiences performing baseline studies and said they are important in order to study changes in waterways. Dr. Koeck said her students are coming here to help "baseline" Cypress Creek on a four-day field trip and cited specific items to be tested for. Ms. Beal said the value to Council would be that a baseline can help measure any progress or change. Dr. Koeck said Council is required to do baseline testing, but it is not DNA testing, and also is not as frequent as she would like it, because she owns property down from the Ranch Road 12 Bridge. City Administrator Ferguson stated that whatever wastewater option is chosen, a baseline will help follow up and monitor whether the City has accomplished its goal or needs to look at other issues. Dr. Koeck said her university has agreed that this information can only be released to the Council, not the public in general.

Linda Kaye Rogers spoke of doing E. coli tests before and after a wastewater system is in place and asked if the City was going to repeat a DNA study breaking down human versus animal sources a couple of years after a plant is up and running. She questioned what the City will do with test results showing animal sources that will not be treated by a wastewater plant and wondered what value there is to having that information. Dr. Koeck replied that she will be a whole lot happier swimming in her water.

Bert Ray stated his understanding that DNA testing will only show the presence, but not the quantity of different kinds of DNA. He asked if the tests show we have at least one deer or one bat, "What have we learned?"

Linda Webb spoke of a past Cypress Creek study done years ago by Texas State University that could be used as a baseline and noted the number one pollutant was dogs, but did not know what part of the creek was tested.

Mayor McCullough closed public comments and asked where the City's obligation to do testing ends.

Councilmember Barchfeld said we are going to build a \$5,000,000 plant and we don't know why. He said we know we need to clean up the sewer, but we don't know if the Creek is polluted, where it is polluted, and we don't know by whom or what it is polluted. He felt this \$5,500 study will help us know what animals are possible sources. He said if it finds a lot of deer, then maybe we should put up a lot of deer fencing. He said if it finds a lot of dogs, maybe people should be asked to contain their dogs. He said the study cost is a very small percentage of what the wastewater project would cost and will help us have information. He noted the mediated settlement talks about baseline studies and said we are doing it with an independent firm, in a transparent way, and doing it with professionals who will do bat markers. Speaking to Mayor McCullough, Councilmember Barchfeld said this is not an attempt in any way to derail the sewer system, but is simply an information-gathering process. Mayor McCullough said he accepted Councilmember Barchfeld's and Dr. Koeck's statements. Mayor McCullough asked what the trip point is and what we are trying to achieve. He questioned what the City will get from the study if it comes back "predominantly deer," which he said cannot be controlled.

Councilmember Barchfeld stated the community is divided and recognized people ask what is polluting the creek. He said "let's find out" and that is all we are going to do. Mayor McCullough said we are not going to get a percentage or composition on types of pollution and questioned the significance of the testing. He stated it would be reasonable to accept the presence of deer and dogs, but noted we cannot find out how much deer and dog matter there is.

Dr. Koeck said her students asked the same question about their testing at Concordia's preserve. She said testing would likely tell you there might be a source of deer and it might be in a certain location or more likely, it will tell us there are bats in the bridge that are defecating onto the ground, which both Dr. Koeck and Mayor McCullough acknowledged as reasonable. Dr. Koeck said she is downstream from the bridge and it would give her lots of information. She said the bats arrived with the new bridge. She stated that the next time it floods and the bats are washed out, maybe a net could be put on the bridge and the bats would move elsewhere. She stated our best guess is that we are not going to find anything. She stated if we don't have a problem, then we'll have a sewer and "downtown will be more comfortable," "so you can flush and I can be happy." Dr. Koeck favored doing the test so we can find out where we are.

Councilmember Trapp said you can find out, but if you put the system in and you're clean flushing, and we still have it, then it's coming from someplace else - the other side of the creek. Mayor McCullough said it would be foolish if we did this and we didn't think that "across the creek" is a contributing factor. Councilmember Trapp stated then that is where our focus goes next.

Councilmember Barchfeld told Mayor McCullough that we can spend \$5,500 to do the test and then we have scientifically valid data and have done our due diligence. He said you have to do a baseline test as part of the agreement and this is all contributing factors to it. City Administrator Ferguson clarified that the testing will total \$5,400, which includes 6 tests at 3 locations. Mayor McCullough asked how percolation is affected by ambient seasonal temperatures. Dr. Koeck

assumed that temperatures are fairly constant. Councilmember Barchfeld thanked Mayor McCullough for allowing him to introduce Dr. Koeck, as he felt she is the best expert he could find locally. Regarding oversight of the collections/testing, it was suggested to invite the Wimberley View. It was clarified that Dr. Koeck will only do E. coli testing, not DNA testing and discussion followed on picking specific dates. City Administrator Ferguson recommended approval of an amount not to exceed \$6,000, in case of unforeseen costs. Councilmember Trapp stated that we have spent more money than this on projects we haven't even completed and felt this is a very valid expenditure.

Councilmember Trapp moved to approve a proposal to perform enhanced water testing on the Cypress Creek in Central Wimberley in an amount not to exceed \$6,000. Councilmember Fore seconded. Motion carried on a vote of 4-1. Councilmember Dussler voted against.

- B. Discuss and consider possible action regarding the creation of a Wastewater Impact Advisory Committee and appointment of members to the Committee. (*City Administrator*)

City Administrator Ferguson requested nominations for appointments of members. The following nominations were made:

Councilmember Barchfeld nominated Hills of Texas realtor Barbara Latimer.

Councilmember Trapp nominated builder Larry Catt.

Councilmember Fore nominated realtor Rebecca Minnick.

Councilmembers Dussler and White did not offer nominations at this time.

City Administrator Ferguson advised that the remaining two nominations can be made at Council's February 16<sup>th</sup> meeting. Mayor McCullough said he can provide one of the remaining nominations.

Councilmember Trapp moved to approve the three nominations of Barbara Latimer, Larry Catt, and Rebecca Minnick to the Wastewater Impact Advisory Committee. Councilmember White seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action regarding a proposal to amend the City of Wimberley General Fund Balance Policy relating to the establishment of a required minimum Fund Balance. (*City Administrator*)

City Administrator Ferguson reviewed the proposed amendment adding the following sentence at the beginning of Section 4.0 of the City's Comprehensive Fund Balance Policy: "It is the policy of the City of Wimberley to maintain at all times an overall Unrestricted Fund Balance (Committed Fund Balance, Assigned Fund Balance, and Unassigned Fund Balance) of not less than six (6) months of regular General Fund operating expenditures, measured and based on the current fiscal year budget."

He reminded that Council has the ability to change the policy, as desired. Discussion favored establishing a fixed amount as a minimum balance versus using a specific number of months.

Councilmember Trapp moved to approve amend the City of Wimberley Fund Balance Policy to set the minimum Fund Balance level at \$750,000. Councilmember Fore seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action regarding a proposal to request an extension from the Texas Water Development Board on the closing deadline for the City of Wimberley's Wastewater Construction Loan. *(City Administrator)*

City Administrator Ferguson stated the TWDB has stated no objection to extending the deadline for twelve months, as the City is still awaiting bid package approval and options are still under review. Mayor McCullough favored extending the deadline for six months rather than one year. Councilmember Trapp favored one year, if bids come in too high and adjustments need to be made, and she cited TWDB's preference that the City not ask for more than one extension. It was noted that the loan can be closed earlier, if the City asks for a one-year extension.

Councilmember Barchfeld moved to request a one-year extension from the Texas Water Development Board on the loan closing deadline. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider possible action regarding the June 2017 deadline for the City of Wimberley to cease use of the existing wastewater drain field at the Blue Hole Regional Park. *(City Administrator)*

City Administrator Ferguson reviewed the proposal to submit a request for a minor permit amendment to add interim phases (A and B) that would allow for continued use of the drain field, with caps on what the drain field would be allowed to accept. He noted that there would be an additional cost of \$19,000 for Alan Plummer Associates to prepare the minor amendment, which is not budgeted and not part of the TWDB loan. Mayor McCullough said he wants an answer from TWDB on when the City will get its project plans approved and did not favor spending \$19,000 on the permit amendment. City Administrator Ferguson noted that the treatment plant would not be built in time to get off the drain field by the deadline. Mayor McCullough continued to maintain he did favor the permit amendment and its associated additional costs coming from Fund Balance. Councilmember Barchfeld pointed out that if construction started tomorrow, we could not be off the drain field by June. City Administrator Ferguson advised that this item will be placed on Council's February 16<sup>th</sup> agenda for consideration and noted that no action is needed at this time.

- F. Discuss and consider issues raised at the February 1, 2017 Community Wastewater Meeting held at the Wimberley Community Center. *(Place Three Councilmember Sally Trapp; no action will be taken on this agenda item)*

Bert Ray complimented Council on last night's meeting at the Community Center and spoke on his handout from that meeting, which removed the purple pipe from the project at significant

savings. He noted updates to the handout reflecting that the City would not receive its loan forgiveness with the purple pipe removed. He stressed that even with the updates, the City option without purple pipe is still the most economical option, except for Option 3a, which is the “baby” system with no treatment plant at Blue Hole. He stated money was put in for buying water for Blue Hole, but he said it might not be possible to find that much water. Mr. Ray asked if Option 1a would be added to Council’s list of options. Mayor McCullough said he was not so quick to give up on the purple pipe. Mr. Ray hoped Council would agree Option 1a is a viable option for those who do not want Aqua Texas, want an economical system, and one that remembers the environment and takes care of the aquifer.

Councilmember Trapp noted that the packages are already structured in such a way that the purple pipe could be removed. Councilmember Dussler said that even with purple pipe there may not be enough water to send back downtown. City Administrator Ferguson said it is a Council policy decision on how much can be sent to the Park and downtown.

Louis Parks referenced a comment made by a speaker at last night’s meeting who said Type I water stinks. Mr. Parks said he felt silly acknowledging that comment, but stated shortly after that a Council member made the same statement, as if it were a proven, verified fact. He noted that on a recent trip to a plant that does not produce Type I water, no one made comments regarding any smells, even when standing on top of the tank. He said saying that something stinks is unscientific and virtually meaningless, as there is drinkable well water that stinks. He said recycled water, often not as clean as the proposed City plant, is commonly used in many applications, such as watering fields, and without stinking. Mr. Parks cited San Antonio’s Riverwalk as an example of a waterway that relies on recycled water and cited a National Geographic 2012 article and a story on the Edward Aquifer website that says most visitors are not aware of the use of discharged effluent. Mr. Parks said anyone can say that Type I water stinks, but Type I does not.

Linda Kaye Rogers referenced her letter to the Wimberley View editor and expressed concerns about loopholes in the Aqua Texas proposal. She said Aqua Texas taking over the City’s CCN in perpetuity was her biggest concern. Speaking from her personal and professional experience, Ms. Rogers said Aqua Texas does not keep their word and will find every way possible to get out of doing what they say they will do. She said their bottom line is the dollar and anyone would be fooling themselves if they thought Aqua Texas would make them a good deal and hold to it in the future. She spoke of a five-year project that Aqua Texas did not follow through on and said phase two has never been completed. She said she cannot get a fire hydrant because Aqua Texas pipes won’t hold the pressure. She asked Council to think about the future of Wimberley, which she loves (even our ups and downs), but did not want the future of Wimberley turned over to an out of state for-profit company that does not care about how we feel or what we think or what we want for ourselves. She said not everything can be bought or valued by money and asked Council to consider that before taking away the rights and future of Wimberley and giving it to a for-profit company that is going to encourage Tractor Supply and such places to move in.

Mayor McCullough entertained Council comments. Councilmembers Barchfeld and Trapp had no comments. Councilmember Dussler felt last night’s meeting was a good meeting and strongly supported Bert Ray’s Option 1a proposal. Mayor McCullough was not willing to give

up on the purple pipe until we get bids back. Mr. Ray said he did not want to give up on the purple pipe either and would prefer the whole system go in. Councilmember Barchfeld respected Mr. Ray and felt removing the purple pipe is a good way to reduce cost, which is why the purple pipe was bid as an alternate. Mr. Ray noted many cities would like to have purple pipe for irrigation, but don't want to tear up their cities to install it. He said we have a golden opportunity to take advantage of installing purple pipe during initial construction. Councilmember Barchfeld said it all comes down to the money.

No action was taken. Mayor McCullough appreciated the value of meetings resulting in options that might not have been considered, but he said it is time to take some of the options off the table and make a decision.

- G. Discuss and consider possible action regarding a proposed facility use agreement for use of the soccer fields at Blue Hole Regional Park. (*Parks and Recreation Advisory Board*)

City Administrator Ferguson explained the need to have an agreement in place, which includes the requirement to provide insurance.

Councilmember Trapp moved to approve the agreement, as presented. Councilmember Dussler seconded. Motion carried on a vote of 5-0.

- H. Discuss and consider possible action regarding a proposed service agreement with Texas State University's *Center for Archaeological Studies*. (*City Administrator*)

City Administrator Ferguson explained the need for the agreement in the amount of \$3,477 to proceed with the City's application for buyout/elevation assistance from the State. He noted that the City would be reimbursed for the study, should the City receive grant funding. City Administrator Ferguson clarified the application process and role of the historic preservation office in requiring the study on the subject property in order to release the City's application. Councilmember Trapp asked if it could be construed that the City is spending money on a certain individual's property to qualify it for the study. City Administrator Ferguson said it is a requirement of the program and the City is spending money on all of the subject properties. He did not like that this is unbudgeted, but liked the fact that reimbursement is likely. Discussion addressed details of mitigation funding and approximate number of properties requesting elevation or buyout assistance.

Councilmember White moved to approve the service agreement with Texas State University's *Center for Archaeological Studies*, as presented. Councilmember Fore seconded. Motion carried on a vote of 5-0.

### **Addendum to Agenda**

#### **Proclamations**

- A. Proclamation of the City of Wimberley, Texas proclaiming the month of February 2017 as Dating Violence Awareness and Prevention Month.

- B. Proclamation of the City of Wimberley, Texas, proclaiming Saturday, February 11, 2017, as “Nancy Bane Day” in honor of Nancy Bane’s 100<sup>th</sup> birthday.

*(See page 1 of these minutes for presentation of Proclamations A and B.)*

#### **4. Discussion and Possible Action**

- I. Discuss and consider possible action approving the 2016 Racial Profiling Report and associated policy for the Wimberley City Marshal. *(City Administrator)*

This item was heard after Agenda Item 2.

City Marshal DeHart presented the required report and policy to Council, including details on warnings/citations issued, number of arrests/searches, and racial statistics.

Councilmember Trapp moved to approve the 2016 Racial Profiling Report and associated policy for the Wimberley City Marshal. Councilmember Fore seconded. Motion carried on a vote of 5-0.

- J. Discuss and consider possible action regarding a proposed amendment to the City of Wimberley’s existing agreement with Raftelis Financial Consultants, Inc. to perform additional wastewater rate analysis. *(Place Four Councilmember Gary Barchfeld)*

Councilmember Barchfeld asked Councilmember Trapp to speak on this item.

Councilmember Trapp referred to last night’s matrix, which did not list “Yet to Be Determined” customer bills for certain options and noted that Raftelis could use data to run models for those options in order to see what rates may look like. Councilmember Dussler questioned the rates developed about sixty days ago and it was clarified that those rates were just for the City plan. City Administrator Ferguson stated that this amendment would be for running additional rate analyses on all of the other options in the matrix, with the exception of the Aqua Texas retail plan. He noted the cost for the performing the additional work is \$2,980. Councilmember Trapp said the City needs to verify volunteer data.

Councilmember Barchfeld moved to approve a proposed amendment to the City of Wimberley’s existing agreement with Raftelis Financial Consultants, Inc. to perform additional wastewater rate analysis, to be paid out of Fund Balance. Mayor McCullough said he would like an amendment to the motion that this would be the last amendment to the existing agreement. Councilmember Barchfeld agreed with Mayor McCullough’s suggested amendment. Councilmember Trapp seconded. Motion carried on a vote of 4-1. Councilmember White voted against.

#### **6. City Council Reports**

- Announcements
- Future Agenda Items

Mayor McCullough felt that Council needs to narrow the wastewater options and make a decision. He encouraged Council to start reading the 835-page wastewater bid documents to prepare for the bidding process.

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

**Adjournment:** Council meeting adjourned at 8:39 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 16<sup>th</sup> of February, 2017.

**APPROVED:**



**Mac McCullough, Mayor**

