

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

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

Councilmember Barchfeld gave the Invocation and Mayor McCullough 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

Citizens Communications

Wimberley Civic Club representative Denise Treadwell spoke on their organization's history as a non-profit contributing to the community and its success with last year's Wine Walk. She anticipated 1,000 participants this year and noted participation of seventeen wineries, ten food vendors, and fifteen retail businesses. Event signage, traffic control measures, and road closures were detailed to enhance public safety and pedestrian mobility. Civic Club representatives requested the following from the City:

- Use of the City's barricades/cones
- Permission to hang a banner advertising the event on King Feed's fence from March 6 – 28
- Fully stocking the existing restrooms and providing a janitor (or janitor contact), should problems arise
- City funding for an additional two-stall restroom on Oak Drive at the Square in the amount of \$500 plus \$25 per hour for an attendant

Parking and shuttle service to and from the event was briefly discussed.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of February 16, 2017
- B. Approval of minutes of the Special City Council meeting of February 16, 2017
- C. Approval of minutes of the Special City Council meeting of January 20, 2017
- D. Approval of the January 2017 Financial Statements for the City of Wimberley

Mayor McCullough pulled Consent Agenda Item 1C for consideration at Council's next Regular meeting.

Councilmember Trapp moved to approve all Consent Agenda Items, as presented, except for Agenda Item 1C, which is continued until Council's March 16th meeting. Councilmember Fore 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 our project engineers are working on the application for the permit amendment approved at Council's last meeting. He anticipated EDA sign-off of bid documents, which will trigger the public bid process. He noted progress is being made on easement acquisition. He advised the Chapter 26 public hearing on parkland conversion is scheduled for March 21, 2017 at 6 p.m. at City Hall.

- Status report Hidden Valley Low Water Crossing Reconstruction Project

City Administrator Ferguson reported the City is awaiting the final ruling on the sand and gravel permit from Texas Parks and Wildlife (TPW), which is required for construction to begin. He noted efforts continue to help expedite the approval process and appreciated the support the City has received from TPW over the years.

- Status report on Blue Hole Regional Park operations

City Administrator Ferguson reported that plans are being finalized for the April concert series, which is a free event (donations are accepted) open to the public. He reported applications are being accepted for seasonal positions. He advised the Parks and Recreation Advisory Board and City staff are developing a list of possible future Park amenities.

- Status report on proposed Tractor Supply store development

City Administrator Ferguson reported on a well-attended community meeting held on February 22, 2017 at 6 p.m. at the Wimberley Community Center. He advised that formal public hearings will be held on March 9th by the Planning and Zoning Commission and on March 16th by City Council. Based on the turnout at the community meeting, he reported that the public hearings on March 9th and 16th will be moved to the Wimberley Community Center. He stated that public speakers will be informed of rules relating to speaking time and decorum. He noted the proposed Wimberley Planned Development District (WPDD) can be viewed on the City's website.

- Status report on flood recovery efforts

City Administrator Ferguson reported that Hays County has indicated the City should not anticipate a bill for initial flood clean-up, as volunteer hours took care of the City's match. As a result, he noted the City has formally withdrawn its request for relief funding from TDA. He stated Blanco River clean-up teams are about to enter city limits. He reported City staff met this week with FEMA regarding its mitigation grant application for property buy-out and elevation. He noted that new FEMA maps are pending and contact has been made with those property

owners seeking elevation assistance so that they understand new maps will supersede Advisory Base Flood Elevation (ABFE) maps.

Mayor McCullough stressed that the City has no problem with TPW and will be sending a letter of appreciation. Councilmembers Dussler and Barchfeld and City Administrator Ferguson briefly discussed the timeline for bidding the Central Wimberley Wastewater Project and involvement of engineers and the project manager.

Councilmember Barchfeld asked City Administrator Ferguson about the recent change in propane providers at the Wimberley Community Center. City Administrator Ferguson provided reasons for the change in providers based on significant price differences. He favored shopping local vendors, if feasible, but did not feel it appropriate for a governmental entity to call local businesses to match competitors' rates, unless a business advertises that it matches competitors' rates. Discussion confirmed that this issue will be on a Special Council meeting agenda on Monday, March 6, 2017.

3. Public Hearings and Possible Action

Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Michael Oldmixon to operate a vacation rental facility on property located at 151 Oldham Street, Wimberley, Hays County, Texas, zoned Single Family Residential 2 (R-2); and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Michael Oldmixon, Applicant*)

This item was heard after Agenda Item 4C.

Assistant City Administrator McPartland reviewed the subject property's location, current/proposed zoning and uses, and existing 3-bedroom residence. She advised the applicant requested a maximum occupancy of six (6) people, however, a review of the septic system resulted in staff's recommendation of a maximum occupancy of four (4) people. In addition to the applicant's house rules, Assistant City Administrator McPartland read a list of conditions to be made part of the requested CUP, should Council desire to recommend approval.

Discussion addressed the expiration date of the moratorium on CUPs for short-term rentals and the status of the second reading of the City's proposed modifications to existing short-term rental regulations.

Councilmember Barchfeld moved to approve the ordinance, as presented. Councilmember Trapp seconded. Motion carried on a vote of 4-1. Councilmember Dussler voted against.

4. Discussion and Possible Action

- A. Discuss and consider possible action regarding a proposed deed restriction limiting the capacity of the proposed Central Wimberley Wastewater Treatment Plant. (*City Administrator*)

City Administrator Ferguson presented the draft deed restriction for Council's review. He stated that restrictive covenants could possibly be changed by future Councils, but noted that inclusion of a restrictive covenant in the City's TWDB grant documents cannot be changed. Discussion between Councilmember Trapp and City Administrator Ferguson confirmed that restrictive covenant language prevents the property from being subdivided and from putting a treatment facility on each tract and stronger wording to that effect could be added. Councilmember Barchfeld felt that requiring citizens to vote on any possible amendments to the restrictive covenant would take any such action out of the hands of future Councils. City Administrator Ferguson advised that as a General Law municipality, the City does not have referendum or initiative powers. He stated that City Attorney Emily Rogers can review the draft language and provide the statutory citation confirming that the current Council cannot bind future Councils' actions. No action was taken.

- B. Discuss and consider possible action regarding a proposal to develop a heritage tree protection ordinance for commercial development. (*Place Three Councilmember Sally Trapp*)

Councilmember Trapp presented some sample ordinances and noted that specific types of trees could be protected. She stressed the proposed ordinance would only apply to commercial development. She requested that the Planning and Zoning Commission review this issue and provide a recommendation to Council. Discussion addressed defining specific trees (according to species and diameter) to be protected.

Councilmember Trapp moved to send the proposal to develop a heritage tree protection ordinance to the Planning and Zoning Commission for consideration. Councilmember Fore seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action regarding a law enforcement service option proposal from Precinct Three Constable Ray Helm. (*City Administrator*)

This item was heard after Agenda Item 4H.

City Administrator Ferguson noted that this is Councilmember Fore's proposal and apologized for the misstatement on the agenda. He stressed that law enforcement cannot be viewed in terms of revenues versus expenditures and the information presented is intended to provide a basic comparison of the existing public safety program and the proposal from Constable Helm. He outlined city marshal duties and city sanitarian duties, comprising about 80% and 20% of the marshal's total workload, respectively. It was noted that health/septic-related fees help to cover costs. He advised that when accounting for law enforcement and court expenditures (including judge/prosecutor/clerk) less estimated revenue, the part-time city marshal program's results in a net loss of approximately \$67,000 annually.

City Administrator Ferguson highlighted Constable Helm's proposal as follows: Provision of a full-time officer for the City at a cost of \$69,230 and vehicle package of about \$2,500, for a total of \$71,730 annually. He anticipated court costs would be about \$7,500, as only City ordinance violation would be filed in Municipal Court and traffic citations would be filed in the Hays County Precinct Three Justice of the Peace Court. Under Constable Helm's proposal, he estimated that full-time law enforcement and court operations would cost about \$79,000 annually. He noted that included in the program's first year, there would be a one-time vehicle purchase, as Hays County would purchase the city marshal's vehicle for yet to be determined price. He anticipated a first-year net loss under Constable Helm's proposal of about \$61,000. However, in the second year (assuming costs remain the same), when the vehicle purchase is not included, the net loss is anticipated to be about \$73,000. It was noted that for comparison purposes, the city marshal program is part-time, while Constable Helm's proposal is full-time. City Administrator Ferguson provided statistics on City ordinance violations filed in Municipal Court and associated costs to prosecute those cases.

Hays County Sheriff Gary Cutler was present in the audience to answer questions, if needed. Constable Helm said that Hays County legal counsel, Mark Kennedy, is working on a draft interlocal agreement to present to Hays County Commissioners Court.

Discussion addressed purchase of the marshal's vehicle by Hays County, City ordinance truck route violations, vehicle insurance, Sheriff's Office as primary law enforcement for Hays County, full-time versus part-time law enforcement, scope of services offered by Constable Helm, warrant service, and retaining the current city marshal as contract city sanitarian. Mayor McCullough favored relying on Hays County Sheriff's Office for law enforcement rather paying for the city marshal or Hays County constables, which he felt was not justified due to Wimberley's low crime rate. Discussion addressed providing full-time law enforcement to enhance public safety, need for an interlocal agreement to include city ordinance enforcement, routing of calls by dispatcher, and need for increased traffic enforcement.

Councilmember Trapp moved to authorize staff and legal counsel to work with Hays County on developing an interlocal agreement for future Council consideration. Councilmember Barchfeld seconded. Motion carried on a vote of 5-0.

After action on Agenda Item 4C, Mayor McCullough stated he wanted to make Councilmember Fore the "ad hoc police chief" and asked that input on what types of law enforcement issues need to be addressed be sent to Councilmember Fore.

D. Discuss and consider possible action regarding plans for the 2017 Wimberley Wine Walk on March 30, 2017. (*Wimberley Civic Club*)

Having heard from event organizers during Citizens Communications, Mayor McCullough asked Council for feedback. City Administrator Ferguson said barricades/cones will be provided, but Council needs to decide on the extra costs for the requested additional restroom facility and restroom staff. Discussion addressed the anticipated number of walk participants. Councilmember Trapp said she wholeheartedly supports helping the Civic Club and asked if a category can be added during the budget process for these types of contributions. City

Administrator Ferguson a public call can be issued for those needing support for these types of public events.

Councilmember Barchfeld moved to approve the plans for the 2017 Wimberley Wine Walk, including the requested barricades/cones/banner, an additional restroom at a cost of \$500, with attendant(s) to be paid at the rate of \$25 per hour. Councilmember Trapp seconded. Motion carried on a vote of 5-0.

Discussion addressed possible locations for the additional restroom.

- E. Discuss and consider possible action authorizing the city administrator to contract with Texas Steel Solutions LLC to construct a maintenance barn at the Blue Hole Regional Park. (*City Administrator*)

City Administrator Ferguson reported the original contractor, Rafter J. Rustic, notified the City that he will not be able to complete the project, as proposed, and requested Council approval to contract with the second lowest bidder, Texas Steel Solutions LLC, at a cost of \$27,500, which is \$2,500 more than originally budgeted for the project. Councilmember Fore asked if the Parks Board and Parks Director Becca Manning are on board with the proposal. City Administrator Ferguson advised that Director Manning was the original staff contact who dealt with contractors and noted she can be present at future meetings to provide reports to Council. Discussion addressed size of the maintenance barn, which is large enough to eliminate the need for rental of additional storage space.

Councilmember Trapp moved to authorize the city administrator to contract with Texas Steel Solutions LLC to construct a maintenance barn at Blue Hole Regional Park. Councilmember Dussler seconded. Motion carried on a vote of 5-0.

- F. Discuss and consider possible action regarding a request to operate a food service trailer at 411 FM 2325 in Wimberley, Texas (*City Administrator*)

City Administrator Ferguson presented the request to operate a mobile food service trailer to be parked in the front yard of a vacant residence. He noted that on-site parking is available and the applicant plans to use portable on-site restrooms.

Applicant Alisha Spencer said she lives here in Wimberley and works at the Leaning Pear, and has always wanted to have a food truck. As there are no Asian or Cajun food options in Wimberley, Ms. Spencer felt she can fill a need for a wider variety of foods and also provide service on Mondays, when many restaurants are closed. She said there will be a suggestion box for potential menu items. City Administrator Ferguson noted that the City Sanitarian has inspected the food truck and it meets City requirements. Ms. Spencer said hours will be from 11 a.m. to 4 p.m. Thursdays through Mondays. She advised weekend hours may change, depending on public response.

Councilmember Trapp moved to approve the request to operate a food service trailer at 411 FM 2325, as presented. Councilmember Fore seconded. Motion carried on a vote of 5-0.

The property owner of 411 FM 2325 asked if she needs to request Council approval for other food trucks/trailers that might be interested in operating on her property in the future. City Administrator Ferguson replied affirmatively.

G. Discuss and consider possible action regarding a fee proposal regarding the Blue Hole Regional Park swimming area. (*Place Three Councilmember Sally Trapp*)

Councilmember Trapp said she has received a lot of comments on enjoyment of Blue Hole by locals and proposed a half-price 10-punch pass for residents of the 78676 zip code. Discussion addressed the limited hours of the Wimberley Nights program and transferability of 10-punch passes. Discussion agreed that this proposal should be placed on the Parks and Recreation Advisory Board's March 8th agenda for consideration. No vote was taken.

H. Discuss and consider possible action regarding an alternative enhanced water testing program on Cypress Creek. (*Mayor Mac McCullough*)

This item was heard after Agenda Item 2.

Andy Sansom, Executive Director of Texas State University's Meadows Center for Water and the Environment, spoke of his long association with the Wimberley community. He introduced Meredith Miller, Senior Program Coordinator for the Meadows Center.

Ms. Miller gave a presentation on the Cypress Creek Watershed Protection Plan, including:

- Stakeholder partnerships among various entities
- Septic tanks, pets, wildlife, and low flow conditions as factors exacerbating bacteria levels at various Cypress Creek locations
- Main plan components, best management practices (including rainwater harvesting/stormwater management downtown)
- Funding partnerships for bacterial source tracking program under a state and federally-approved quality assurance plan
- Coordination with Zara Environmental to provide the most robust data, including possible additional sampling sites and an expanded series of genetic markers
- Details on grant funding and match requirements
- Data analysis and interpretation

City Administrator Ferguson said this proposal is a good opportunity to maximize coverage, and have more extensive testing and data analysis for the long-term, as opposed to an initial snapshot. In addition, Ms. Miller said this proposal would provide a great baseline.

Councilmember Trapp asked if this program would piggyback on what Council already approved. City Administrator Ferguson advised that Meadows Center would coordinate with Zara and noted coincidentally that both use the same lab. Councilmember Trapp asked where Dr. Koeck would fit in this proposal. City Administrator Ferguson said we want to involve Dr. Koeck as a program monitor.

Councilmember Barchfeld spoke highly of the Meadows Center and asked Ms. Miller about the frequency of board meetings. Ms. Miller replied meetings are quarterly. Councilmember Barchfeld said he would be happy to work as a team to fix Cypress Creek. Ms. Miller said she could provide Councilmember Barchfeld with email updates.

Councilmember Fore felt the more information we have, the better. Councilmember Dussler felt this proposal would be of great benefit, as it broadens the scope of testing.

5. City Council Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson and Council discussed staff meeting and Special meeting times/possible agenda items for Monday, March 6, 2017. Councilmember Barchfeld stated he will not be in attendance in person at Council's April 6th meeting, but will be available via Skype.

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

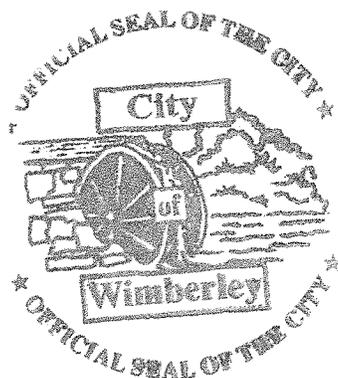
Adjournment: Council meeting adjourned at 8:10 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 16th of March, 2017.



APPROVED:



Mac McCullough, Mayor