

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
October 18, 2012 at 6:00 p.m.

City Council meeting called to order at 6:07 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: Councilmembers Tom Talcott, Matt Meeks, Steve Thurber, and John White. Councilmember Mac McCullough was absent.

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

Citizens Communications

Wimberley EMS Director Ken Strange distributed order forms for reflective signage available through Hays County at a nominal charge of \$3 per sign. Director Strange and Mayor Flocke encouraged participation in the signage program, which will help EMS personnel locate property addresses when responding to calls for service.

1. Consent Agenda

Approval of the minutes of the Regular City Council meeting of October 4, 2012

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

2. City Administrator Report

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

City Administrator Ferguson presented a comparison of various end-of-season revenues/sales statistics, showing increases in all categories over last year's figures. He noted that credit card sales have increased and that the Park swimming area's maximum capacity is set at two-hundred (200) persons.

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

City Administrator Ferguson reported that levels remain within permit limits and that recent water quality test results from samples taken after conclusion of October's Market Day weekend showed the highest e Coli counts so far this year.

- Status report on the Wimberley Municipal Court

City Administrator Ferguson reported on number of citations filed to date, collections, remittances to the State, trial activity, and most common types of traffic violations cited. He noted that beginning on November 7th, Municipal Court will be held on the first Wednesday of every month at 9 a.m.

- Status report on sales tax collections for the City of Wimberley

City Administrator Ferguson reported that the City received \$42,516 in sales tax revenues, representing August collections. He noted that overall sales tax revenues are up for this year.

- Status report on the Las Flores Traffic Safety Improvement Project

City Administrator Ferguson reported that speed humps have been ordered and anticipated installation within the next sixty (60) days.

- Status report on the proposed alternate truck route around the Wimberley Square

City Administrator Ferguson reported that Mayor Flocke recently attended a City of Woodcreek Council meeting to request support for the alternate route using Emergency Lane, rather than Jacob's Well Road. Mayor Flocke stated that Woodcreek Council members seemed receptive and anticipated a decision from Woodcreek City Council at its next regular meeting on November 14th. City Administrator Ferguson explained the reasoning for use of Emergency Lane and Mayor Flocke felt that alternate routing will generally benefit truckers.

3. Resolution

Consider approval of a resolution of the City Council of the City of Wimberley, Texas, electing not to require the remittance of a public, education, government (PEG) fee by holders of a state-issued certificate of franchise authority. (*City Administrator*)

City Administrator Ferguson explained recent changes in State law pertaining to cable video service providers and the purpose for the PEG fee, which is to provide communities who maintain public access channels on their local cable system with funding to produce programming on those channels. As the City of Wimberley does not maintain any PEG channels, he recommended approval of a resolution opting out of the fee. He noted that this action will not impact the five percent (5%) franchise fee that is currently being remitted on a quarterly basis to the City. Mayor Flocke pointed out that if the City were to utilize its own access channel, it would be responsible for production of programming.

Discussion addressed collection of the PEG fee by cable service providers and clarified that satellite service providers are not subject to these regulations.

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

4. Discussion and Possible Action on Issues Relating to the Proposed Provision of Wastewater Service to the Central Area of Wimberley

Mayor Flocke and Councilmember Meeks recused themselves from the meeting at this time due to possible conflicts of interest.

Mayor Pro-tem White assumed duties as Presiding Officer.

Councilmember Thurber moved to continue discussion of Agenda Items 4C, 4D, and 4E until Council's next regular meeting, due to Councilmember McCullough's absence. He favored proceeding with discussion and possible action on Agenda Items 4A and 4B, in order to meet the Texas Water Development Board's (TWDB) loan application deadline.

Councilmember Talcott favored discussion on all items. Councilmember Thurber's motion to continue Agenda Items 4C, 4D, and 4E died for lack of a second.

- A. Discuss and consider approval of a resolution of the City Council of the City of Wimberley, Texas, requesting financial assistance from the Texas Water Development Board and authorizing the filing of an application for assistance and making certain findings in connection therewith. (*City Administrator*)

Mayor Pro-tem opened discussion on Agenda Item 4A and noted procedures for speakers on Items 4A through 4E.

Gail Pigg of 2214 Flite Acres stated that she does not own property within the proposed Municipal Management District (MMD). She raised questions on discrepancies in statistics listed in the engineering reports produced by Alan Plummer Associates, Inc. and by Water Resources Management (WRM). She expressed concerns about selection of WRM's least costly Option 4 as the preferred option, because it allows for discharge of effluent into local waterways. Ms. Pigg also expressed concerns about the City's plant meeting limits under its Texas Commission on Environmental Quality (TCEQ)-issued discharge permit. Ms. Pigg asked if the City has engaged an engineer to help with the acquisition of a discharge permit, which she said is a complicated process. She stated that a large percentage of the flow comes from Deer Creek Nursing Center, which has a high level of pharmaceuticals and would require extensive treatment.

Mayor Pro-tem White reminded Ms. Pigg that this agenda item relates to a resolution requesting financial assistance.

Ms. Pigg maintained that the numbers are not clear and accurate regarding costs and said that these questions need to be answered before the City applies for Texas Water Development Board (TWDB) funding. She cited concerns with prior TWDB funding applications related to the lack of backing from the City of Wimberley/Guadalupe Blanco River Authority and the financial burden on a small customer base. She distributed a handout relevant to her concerns from a *Hays County Roundup* article.

Mayor Pro-tem White asked that comments be restricted to the City's request for financial assistance.

Dr. Deborah Koeck of 1 Spalding Circle in the City of Woodcreek, and property owner within the proposed MMD, asked Council to carefully consider Ms. Pigg's comments and pointed to questions raised about the engineering reports, which she said should be answered prior to making any financial commitment.

Mary Kate Brown of 250 Cedar Hollow stated that she is not against the proposed wastewater system, but opposes the funding mechanism. She asked how a resolution can move forward into an application process with incomplete research on the project. She stated that if funding is applied for using information that is incorrect or falsified, there will be a penalty imposed.

Mayor Pro-tem White closed public comments and opened Council discussion.

Discussion addressed:

- TWDB loan submission deadline on or before November 1st, in order to qualify for lowest interest federal funds
- Clarification that resolution approval only authorizes submission of the loan application and in no way can be considered "closing on a loan"
- Designation of Option 4 as the preferred option to be included in the TWDB loan application for funds related to the planning and design portion of the project (referred to as a "PAD" loan)
- Clarification that TWDB can review and allow changes to any submitted plans
- Reiteration that there would be no TWDB loan closure until such time an MMD is created and a tax adopted by property owners within the MMD

Councilmember Talcott asked how successful Wimberley Central Improvement Area (WCIA) has been in gathering signatures for or against the proposed MMD. He was reminded that discussion on WCIA's communications efforts pertains to Agenda Item 4C. Councilmember Talcott stated that such discussion is necessary before taking action on Agenda Item 4A.

Mayor Pro-tem White discontinued discussion on Agenda Item 4A at this time and advised that Council will next consider Agenda Item 4C. (*See Agenda Item 4C*)

At the conclusion of discussion and action on Agenda Item 4E, Mayor Pro-tem White re-opened discussion on Agenda Item 4A.

Mayor Pro-tem White asked if there is a penalty for the City if at some point in the future Council decides not to proceed with the TWDB application process. City Administrator Ferguson stated that there is not a penalty, but the City should make a decision on proceeding with the loan application, before TWDB gets too far into its review process.

Mayor Pro-tem White moved to approve a resolution of the City Council of the City of Wimberley, Texas, requesting financial assistance from the Texas Water Development Board

(TWDB) and authorizing the filing of an application for assistance and making certain findings in connection therewith. Councilmember Thurber seconded.

Mayor Pro-tem White called for a vote as follows: Mayor Pro-tem White, aye; Councilmember Thurber, aye; and Councilmember Talcott, aye. Motion carried on a vote of 3-0.

- B. Discuss and consider action authorizing the City Administrator to retain the law firm of Bickerstaff, Heath, Delgado, Acosta, LLP as bond counsel for the City of Wimberley with reference to the City's proposed bonds in connection with the Texas Water Development Board Clean Water State Revolving Fund Program. (*City Administrator*)

City Administrator Ferguson explained that TWDB requires applicants to utilize a bond counsel in its loan application process, therefore, City staff reviewed and recommended contracting with the law firm of Bickerstaff, Heath, Delgado, Acosta LLP, with Bickerstaff attorney Tom Pollan handling matters relating to the City's bond issue. Estimated cost for bond counsel is approximately \$10,000, which is contingent on the actual issuance and delivery of the bond.

Mayor Pro-tem White reiterated City Administrator Ferguson's statement that there is no cost to the City, unless bonds are issued and delivered. Mayor Pro-tem White invited public comment.

Dr. Deborah Koeck stated that she is fully in favor of the City retaining counsel.

Mary Kate Brown inquired whether the \$10,000 estimated cost would be paid from the City's budget or included in the bond amount. City Administrator Ferguson replied that the \$10,000 would be paid from the City's budget, because it does not make fiscal sense to include the \$10,000 into the bond amount and incur interest expenses. He said that discussions are underway to possibly cost-share the \$10,000 on an equally split basis between the City and the proposed MMD. He further clarified that the City is securing bond counsel as part of the loan application requirements and will not incur costs until such time as there is closure on a loan and issuance of a bond.

Councilmember Thurber moved to approve authorizing the City Administrator to retain the law firm of Bickerstaff, Heath, Delgado, Acosta, LLP as bond counsel for the City of Wimberley with reference to the City's proposed bonds in connection with the Texas Water Development Board Clean Water State Revolving Fund Program.

Councilmember Talcott requested an amendment to Councilmember Thurber's motion to allow legal to take a look at the ballot and tell us whether they consider this a legal ballot or not. Councilmember Thurber and City Administrator Ferguson reminded that this agenda item is for authorization to contract for bond counsel services. City Administrator Ferguson advised Councilmember Talcott that he could direct staff to consult with the City Attorney on his question, as a future agenda item. Councilmember Talcott again stated that he is making an amendment to this bond counsel motion. City Administrator Ferguson reiterated that such an amendment is not part of the agenda item. WCIA representative Steve Klepfer noted that WCIA-produced forms followed guidelines set by the City, and noted that the legislative route is not the same as the formal petition process to create an MMD through the TCEQ. He stated that

if the City decides to go through the TCEQ to create the MMD, WCIA would have to go back and present a formal petition, but he noted that WCIA was asked to gather input from property owners on the resolution supporting creation of an MMD previously passed by City Council on a 4-1 vote. Mr. Klepfer did not want it to be implied that WCIA arbitrarily decided on form wording. Councilmember Talcott said that he wanted to get a legal reading on this issue.

Mayor Pro-tem White stated that there is a motion. Councilmember Talcott stated that the amendment must be voted on first (before Councilmember Thurber's motion). City Administrator Ferguson clarified that consideration and action on this item pertains to a separate agreement for bond counsel services only, and it cannot be amended to deal with the issue of ballot wording, which is a City Attorney review issue that staff can be directed to explore.

Councilmember Talcott felt that direction on any such City Attorney review of the ballot issue should require full Council approval and then withdrew his amendment to Councilmember Thurber's motion.

Mayor Pro-tem White seconded Councilmember Thurber's motion. Motion carried on a vote of 3-0.

- C. Discuss the efforts by the Wimberley Central Improvement Area to communicate with central Wimberley property owners regarding the proposed creation of a Municipal Management District to help fund the development of a wastewater system to serve central Wimberley. (*City Administrator*)

This item was heard after initial discussion of Agenda Item 4A.

Councilmember Talcott requested information on the status of WCIA's efforts to communicate with property owners regarding MMD-creation and results of those efforts.

WCIA representative, property owner within the proposed MMD, and Wimberley resident Steve Klepfer distributed a handout that reported support from:

- 50 property owners, based on a total of 111 owners, representing 45% of total owners
- 73 properties, based on a total of 164 properties, representing 45% of total properties
- \$14,000,000 in property valuation, based on a total value of \$29,616,740, representing 47.4% of total valuations

Pertaining to Ms. Pigg's earlier comments regarding differences between engineering reports, Mr. Klepfer noted that the most recent flow studies were based on actual water usage figures. He explained how the number of total property owners, number of total properties, and amount of total values were calculated, including examples of more complicated scenarios involving properties with multiple owners in undivided interest and properties held by partnerships and corporations. He included a list of the fifty (50) property owners who have signed forms in support of MMD-creation. He noted challenges in obtaining signed forms, including timing of certain Council actions related to lack of support for a city-wide ad valorem tax to pay for downtown wastewater, the desire of some property owners within the proposed MMD for the

City to impose such a tax to ease their financial burden, and the City's commitment of \$100,000 annually to help defray user costs. Mr. Klepfer noted universal acknowledgement of the need for a downtown wastewater system, but recognized challenges faced by WCIA, which uses an all-volunteer force. He cited specific problems with contacting property owners, particularly out-of-town owners.

Councilmember Talcott felt that before proceeding with the loan application, a deadline should be set for receipt of sixty (60) votes from fifty-one percent (51%) of property owners in support. Mr. Klepfer stated that 56 votes (as opposed to 60) would be needed to meet the fifty-one percent (51%) threshold. Councilmember Talcott objected to the change in needed votes from 60 to 56 votes. Mr. Klepfer reiterated his earlier explanation of the recalculation of the number of properties and gave an example of one property that had eight (8) "R" numbers, but only one (1) owner. Councilmember Talcott stated that he would accept fifty-seven (57) owners (rounded up from 56.6) as an acceptable threshold of support for MMD-creation.

Councilmember Talcott also requested that a deadline be set for the acquisition of fifty-seven (57) signatures and asked for due diligence by performing a survey of property owners who have already submitted forms to determine whether property owners fully understood what they signed. Councilmember Talcott stated that he would like, with the assistance of City staff, to contact each property owner who has signed up in support and present results in a public forum showing that said owners freely and knowingly support the MMD, without duress. Mr. Klepfer stated that if Councilmember Talcott felt that there was coercion, then he should personally obtain signatures, given that Mr. Klepfer and other WCIA members have spent considerable personal time as volunteers on this effort to date. Councilmember Talcott stated that he was not saying there was coercion, but that he had heard rumors, and wanted to talk to the people involved and validate signatures.

Mayor Pro-tem White invited public comment on Agenda Item 4C.

Gail Pigg expressed concerns regarding effluent discharge and noted discussions of a plant vetted by the Wimberley Water Wastewater Advisory Board several years ago, which did not include any discharge at all and produced the highest quality of effluent. Ms. Pigg stated that the community needs to know that Preferred Option 4 includes discharge that she felt could have a negative impact on those downstream from the plant. She stated that the current proposed system also needs to be vetted by the Wimberley Water Wastewater Advisory Board. Ms. Pigg questioned why the City chose the legislative route for MMD-approval and felt that there is no urgency regarding TWDB loan submission deadlines. She cited her earlier *Hays County Roundup* handout containing an article expressing concerns about affordability of the proposed system. Ms. Pigg urged Council to take more time before making a decision and asked members to address other associated issues such as use of public money on private properties.

Dr. Deborah Koeck urged Council to conduct a vote of the property owners and stated that due diligence is necessary. She said that many of those who signed forms in support made the assumption that Option 4 was "a done deal" and felt that those within the district should vote as to how their money will be spent. She questioned why a response has not been received from State Representative Jason Isaac on the required threshold of support he would need in order to

help the City initiate the legislative process to create the proposed MMD. City Administrator Ferguson advised that State Representative Isaac is still conducting meetings with various parties at this point and has not made a determination on this issue.

Mary Kate Brown said that she has been in contact multiple times with TCEQ's Open Government and Small Business Assistance Department and stated her understanding of why the City is pursuing legislative creation of the proposed MMD. She cited details of her correspondence with TCEQ, as well as State statutory language regarding MMDs in general. Ms. Brown stated that TCEQ will have the last word on environmental quality issues, regardless of how the MMD is created. She objected to WCIA's "narrowing the pot" of property owners and displayed a color-coded map showing support and opposition to the proposed MMD. She cited conflict of interest issues with City Council, as well as WCIA correspondence stating that the City of Wimberley fronted the money paid for the feasibility study. Ms. Brown stated that if WCIA accepts public money to research a public project "it then becomes a commission that is open to public information and open meetings." She said that repeated requests for information have been denied and that WCIA's Tuesday morning meetings are only open to the public for fifteen (15) minutes.

Hearing no further comments, Mayor Pro-tem White opened Council discussion.

Councilmember Thurber advised that attendance at Council and WCIA meetings helps to dispel misinformation and rumors circulating among citizens. He stated that under Option 4 the effluent disposal method allows only the highest quality effluent and would only be discharged under specific emergency conditions. He noted that the City's decision to pursue legislative approval for MMD-creation was due to timing issues, specifically the deadline to qualify for lowest-interest federal funding, which in turn helps minimize user costs. Councilmember Thurber cited Council's unanimous actions to not consider a city-wide ad valorem tax for downtown wastewater, though such a system would benefit the entire community, and its commitment to help defray user costs by contributing \$100,000 per year from sales tax revenues. Related to Councilmember Talcott's earlier comments regarding duress, Councilmember Thurber stated that if Councilmember Talcott has any knowledge of any impropriety in the process of gathering signatures, then he needs to bring those concerns to Council and encouraged everyone to do the same. Regarding comments on expenditures of public money for private purposes, Councilmember Thurber stated that this is a City project that will be owned by the City.

Councilmember Talcott stated that due to rumors of coercion, he felt that if the City cannot perform due diligence on this issue, then Council should not vote on it at all. He said it is the job of City Council to make sure that everyone who has submitted a signature has done so "with a proper mind." He felt that a date should be set so that due diligence can be completed by Council's November 1st meeting and suggested that a deadline be set for Friday, October 26, 2012 at 5 p.m., to allow time to contact property owners. Councilmember Talcott stated that he will attempt to contact as many property owners as possible. Councilmember Thurber felt that such contacts should be made by City staff, not individual Council members. WCIA representative Steve Klepfer noted that WCIA's all-volunteer membership cannot assume the additional time burden as suggested by Councilmember Talcott and reiterated that this is the

City's wastewater project, not WCIA's, and that WCIA was formed to explore funding mechanisms only.

Mayor Pro-tem White spoke of confusion and misinformation on this issue and doubted that enough support exists for the project. He asked Councilmember Talcott how he felt contacts should be made with property owners (City staff versus Councilmember Talcott). Councilmember Talcott stated that he would like to personally call each property owner, together with volunteers, who could listen in on the conversations.

Councilmember Thurber reiterated that this is an important decision that needs the presence of all Council members (with the exception of recusals). Councilmember Thurber stated that he was perplexed by Councilmember Talcott's suggestion, since filing of the application only keeps the process to solve the downtown wastewater problem moving forward and does not close on any loan, if and when such a loan is approved. Councilmember Thurber questioned Councilmember Talcott's hindrance of the process by setting his due diligence effort deadline before the TWDB's November 1st loan application filing deadline and before State Representative Isaac's response.

City Administrator Ferguson reiterated that filing of the application is not a commitment and suggested allowing the application filing to proceed, but to explore extending the deadline for signature submission to November 1, 2012 and completion of due diligence for signature validation by November 15th, with the understanding that Council can act at its November 15, 2012 meeting, before TWDB has gotten too far along into its review process.

Councilmember Talcott stated that he would be willing to agree to City Administrator Ferguson's suggested deadlines, given that a response has not been received by State Representative Isaac, and to continue working on acquiring new signatures and validating existing signatures.

Mayor Pro-tem White asked whether a motion is needed to act on City Administrator Ferguson's suggested deadlines, which were agreeable to Councilmember Talcott.

Councilmember Talcott stated that a motion is needed. He noted Councilmember McCullough was advised during an earlier discussion that a threshold of sixty percent (60%) of property owners in support would be necessary.

Discussion clarified that the fifty (50) property owners who have signed forms in support to date do not amount to a sixty percent (60%) majority. Discussion established that signatures from fifty-seven (57) property owners would constitute a fifty-one percent (51%) majority.

Councilmember Talcott recommended that by the November 1, 2012, the City Council would require fifty-one percent (51%) or fifty-seven (57) property owners' signatures to be presented to Council in order to go forward with the TWDB loan application. Councilmember Talcott asked for an amendment to Agenda Item 4A, before taking action.

Because Councilmember Talcott's aforementioned recommendation was relevant to Agenda Item 4E, City Administrator Ferguson suggested that Mayor Pro-tem White move to Agenda Item 4E at this time. Mayor Pro-tem White concluded discussion of Agenda Item 4C and proceeded to Agenda Item 4E. (*See Agenda Item 4E*)

- D. Discuss and consider action regarding a proposed City of Wimberley communications initiative relating to the possible creation of a Municipal Management District in central Wimberley. (*Place Four Councilmember Steve Thurber*)

Councilmember Thurber requested that this item be continued until Council's next meeting on November 1, 2012. Mayor Pro-tem White stated that this item will be continued per Councilmember Thurber's request. No vote was taken.

- E. Discuss and consider action on a proposal to require a certain level of property owner support be shown for the creation of a Municipal Management District before the City of Wimberley would agree to support future legislation creating such a District. (*Place One Councilmember Tom Talcott*)

This item was heard after conclusion of discussion on Agenda Item 4C.

Mayor Pro-tem White read Agenda Item 4E, announced that Council has discussed Agenda Item 4E, and invited public comments.

Gail Pigg requested that the threshold for signatures received in support be set at two-thirds majority, with full pricing on the final option, and "opt-in/opt-out" choices added on the form to be submitted. She favored having "a legal piece of paper" as opposed to calling people on the telephone as the most sensible option.

Councilmember Talcott said that the issue is whether property owners understood the "paper" properly. There was brief discussion over the legality of forms sent without an "opt-out" choice.

Dr. Deborah Koeck again questioned the City's pursuit of legislative MMD-creation, voting procedures, and State Representative Isaac's answer on assisting the City in introducing such legislation. City Administrator Ferguson reiterated that Representative Isaac advised he is still working on this issue and will likely get back to the City with a response after the election. Councilmember Thurber stated that property owners will vote on setting a tax rate, if and when that time comes, and reminded that property owners have the opportunity to say "no" to the project.

In response to Councilmember Thurber, Dr. Deborah Koeck said that "you're talking about an option that is going to increase my taxes dramatically." She raised questions about WCIA's definitions and calculations of the number of property owners, the percentage of support needed, and the content of WCIA's correspondence, relating to available options. Dr. Koeck cited WCIA correspondence regarding her properties mistakenly sent to a different property owner and feared that such mistakes were widespread. She closed her remarks with thanks to Councilmember Talcott.

Mary Kate Brown read excerpts from information that she received through TCEQ, including requirements for specific ballot language and notarized surveys. She stated: “What we’re doing here is taking a piece of TCEQ, transferring over to the legislation route, but knocking out the piece that we don’t like.” She cited a conversation with a local RV park manager, who advised Ms. Brown that he faxed the RV park owner’s signed survey response, and requested validation of that signature. Ms. Brown noted that she has recorded personal conversations and questioned the validity of signatures received to date. Ms. Brown alleged that her recordings contain evidence of use of threats of condemnation in order to obtain support, which she stated is wrong. She offered to post her recordings on the City’s website and to anybody who wants to hear it.

Mayor Pro-tem White closed public comments. Councilmember Talcott requested a copy of Ms. Brown’s information on ballot language, as well as a copy of her recording(s). Ms. Brown replied affirmatively.

Councilmember Talcott moved to set a cutoff date of November 1st for receipt of fifty-seven (57) signatures representing fifty-one percent (51%) of property owners within the proposed MMD and setting a deadline of November 15th for completion of due diligence on signature validation, in order to report findings to Council on November 15, 2012. Mayor Pro-tem White seconded.

Mayor Pro-tem White called for a vote as follows: Mayor Pro-tem White, aye; Councilmember Thurber, nay; Councilmember Talcott, aye. Motion carried on a vote of 2-1. Councilmember Thurber advised that his vote against was based on his objection to Councilmember Talcott’s due diligence process.

Mayor Pro-tem White announced that Council has concluded action on Agenda Item 4E, and will next consider Agenda Item 4A. (*See Agenda Item 4A*)

5. Discussion and Possible Action

- A. Discuss and consider possible action regarding the development of alternative sources of funding for the City of Wimberley’s current and future street, drainage and other capital needs, with the exception of wastewater. (*Mayor Bob Flocke*)

This item was heard after Agenda Item 4B.

Mayor Flocke and Councilmember Meeks rejoined the meeting at this time.

Mayor Flocke assumed duties as Presiding Officer at this time.

Discussion addressed consideration of ad valorem (property) taxation under very strict conditions that collections could only be used for specific purposes such as street improvements, with extensive public input and feedback on what citizens deem to be the City’s greatest needs. Councilmember Talcott felt that an ad valorem tax should be placed on a public ballot for citizens to vote on and not just approved by Council. Mayor Flocke informed Councilmember Talcott that the City cannot hold a public referendum on an ad valorem tax, however, discussion established that purpose-specific funding for large capital improvements such as road projects

could be accomplished through bond issues voted on by citizens. Discussion also addressed possible straw polls and ways to cap any tax, if imposed, in the amount of debt to be serviced, in order to allay citizens' fears regarding possible future Council actions to increase an existing tax.

City Administrator Ferguson recommended that Council direct staff to present projected revenue statistics based on valuations, historic data on growth in property values, and strategies to inform and educate the public.

Councilmember Talcott moved to approve direction to staff, in accordance with City Administrator Ferguson's aforementioned recommendation. Councilmember White seconded. Motion carried on a vote of 4-0.

- B. Discuss and consider possible action adopting, by resolution, the revised Hays County Hazard Mitigation Plan. (*City Administrator*)

City Administrator Ferguson recommended approval of the revised Hays County Mitigation Plan (Plan), which must be adopted by resolution by various communities in Hays County, including the City of Wimberley, in order for the Plan to be formally accepted by the Texas Division of Emergency Management.

Councilmember Thurber moved to approve the resolution, as presented. Councilmember Meeks seconded. Motion carried on a vote of 4-0.

- C. Discuss and consider possible approval of a proposal from *Keep Wimberley Beautiful* to repair the Wimberley Community Center water feature and landscape around the feature. (*City Administrator*)

City Administrator Ferguson recommended approval of the proposed beautification project, which will repair the water feature and improve landscaping around the feature. The work would be done at no cost to the City due to a \$5,000 donation from an individual, who asked that a small plaque be placed adjacent to the water feature to recognize the donation.

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

- D. Discuss and consider possible approval of a proposal to utilize social media sites to enhance the City's efforts to communicate with citizens. (*City Administrator*)

City Administrator Ferguson explained that City staff is proposing to add the use of *Twitter* and *Facebook* to enhance the City's existing communications, which rely on the City's website, a telephone notification system, press releases, emails, and community meetings. He recommended approval of the use of *Facebook* and *Twitter* to help disseminate information to citizens, along with adoption of a social media use policy to manage the City's use and content of the sites.

Discussion addressed monitoring of content and need to have a policy in place.

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

In response to Councilmember White's inquiry regarding retention of content, City Administrator Ferguson replied that the City will comply with record retention schedules pertinent to message content. Discussion emphasized that social media sites are not for political or personal use by City Council. City Administrator Ferguson stressed that the primary purpose of using social media sites is to provide information to the public.

Motion carried on a vote of 4-0.

6. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember Talcott requested that City staff invite Aqua Texas to brief Council at its November 1, 2012 meeting, in order to have a back-up plan for provision of wastewater service for the central Wimberley area only.

Regarding Pedernales Electric Cooperative's discontinuation of its over-the-road banner program, Councilmember Meeks inquired about information on an alternate banner program. City Administrator Ferguson advised that Council will be presented with a proposal on such a program at its next regular meeting on November 1, 2012.

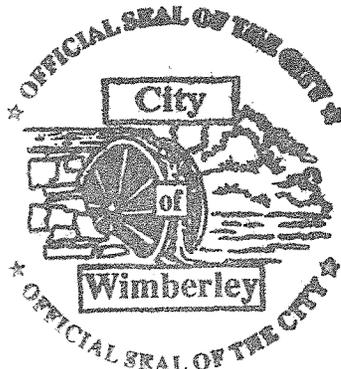
Hearing no further announcements or future agenda items, Mayor Flocke called the meeting adjourned.

Adjournment: Council meeting adjourned at 8:05 p.m.

Recorded by:


Cara McPartland

These minutes approved on the 1st of November, 2012.



APPROVED:



Bob Flocke, Mayor