

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
November 4, 2010 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Bob Flocke.

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

Councilmembers Present: Mayor Bob Flocke and Councilmembers Charles Roccaforte, Mac McCullough, Bill Appleman, Steve Thurber, and John White.

Staff Present: City Administrator Don Ferguson and City Attorney Cindy Crosby.

Proclamations

This item was heard after *Citizens Communications*.

- A. Proclamation recognizing the *Turkeys Tackling Hunger* Campaign of the Hays County Food Bank

Hays County Precinct Three Commissioner Will Conley and the Hays County Food Bank representative expressed appreciation for support of the food bank's mission and highlighted successful programs, services, and partnerships, including the food bank's contributions to Crisis Breadbasket to help those in need in Wimberley. Commissioner Conley cited statistics on hunger in Texas and noted the need to improve efforts to alleviate hunger.

- B. Proclamation recognizing *National Hospice Month*

Mayor Flocke read the proclamation. (The recipient's representative was not present.)

Citizens Communications

Stephanie Reynolds, who resides at the intersection of Las Flores and La Buena Vista Drives, read a letter (*attached to these minutes*) in favor of removal of the Las Flores barricades. She concluded with remarks on the impact of Las Flores Drive's closure on traffic along other area roads and neighborhoods and asked that Council place reconsideration of this issue on a future agenda.

Tammie Sedam of 10 Las Flores thanked Council for "listening to both sides of the story." She supported barricades and improvements to Las Flores, which she felt has improved safety for pedestrians and the neighborhood in general. She noted receiving positive feedback from others on the amount of time it takes drivers to divert to Emergency Lane as a connecting route from Ranch Road 12 to FM 2325. Ms. Sedam stated that there have not been any more incidences involving threatening behavior toward her or her children from drivers on Las Flores, since installation of the barricades. She did not feel that the Las Flores closure was unduly inconvenient and thanked Council for "believing that safety comes before convenience."

1. Consent Agenda

- A. Approval of the minutes of the regular City Council meeting of October 21, 2010
- B. Approval of the appointment of Craig Mooty to the City of Wimberley Water Wastewater Advisory Board. (*Mayor Bob Flocke's nominee*)

Councilmember McCullough pulled Consent Agenda Item 1A.

Councilmember Thurber moved to approve Consent Agenda Item 1B, as presented. Councilmember White seconded. Motion carried on a vote of 5-0.

Councilmember McCullough read the following excerpt from page 3 of the minutes of October 21, 2010: "City Administrator Ferguson spoke briefly on issues with election-related signs at the WCC and clarified the recent policy change regarding temporary signage. He also reported on beautification efforts to improve the look of the Las Flores barricades." Referencing the Las Flores barricades, Councilmember McCullough stated that Council "has addressed it and will continue to address it."

Councilmember McCullough moved to approve Consent Agenda Item 1A, as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

2. City Administrator Report

- Status report on the efforts underway to secure federal funding for the downtown wastewater project

City Administrator Ferguson reported that Guadalupe Blanco River Authority (GBRA) voted unanimously to continue to work with the City of Wimberley to secure funding, but that GBRA did not indicate willingness to pledge its system revenues to back the loan. He advised that alternative funding options will be presented to Council in the near future.

- Status report on the ground breaking ceremony for the Blue Hole Regional Park Development Project

City Administrator Ferguson reported on ceremony activities scheduled for Sunday, November 7, 2010 at 2:00 p.m. and encouraged attendance.

- Status report on the possible development of additional regulations for bed and breakfasts and short term rentals operating within the City of Wimberley

City Administrator Ferguson reported on the Planning and Zoning Commission's progress on making a recommendation on this issue and on the upcoming public hearing schedule.

- Status report on the effort to secure an Attorney General opinion on the City's ability to regulate firearms within the city limits

City Administrator Ferguson reported that a letter has been submitted to State Representative Patrick Rose, who is assisting the City in acquiring an Attorney General opinion and advised of the timeframe for response.

- Status report on the plans to hire a Blue Hole Regional Park manager

City Administrator Ferguson reported on plans to hire a full-time manager around mid-year, including the timeframe for notification. Project oversight/management meetings will be held regularly to deal with any issues that may occur during construction.

City Administrator Ferguson commented on the passing of State Representative Edmund Kuempel of Seguin and praised his long record of public service, particularly relating to parks and wildlife.

3. Presentation

Presentation of the Wimberley Parks and Recreation Advisory Board Quarterly Activities Report. (*Parks and Recreation Advisory Board*)

This item was heard after the Consent Agenda.

Parks and Recreation Advisory Board representative Christine Byrne reported on the following:

- Development of Wimberley Community Center policies/procedures related to operations, signage, parking, and rental rates
- Development of user fees and group use policies for Blue Hole Regional Park

Ms. Byrne reported that the Board will continue to monitor Blue Hole Regional Park operations/fees and will assist in the development of a concept plan and strategy implementation for the proposed “Y” park.

Council expressed appreciation to the entire Parks Board for its hard work.

4. Public Hearing and Possible Action

- A. Hold a public hearing and consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas amending the City’s Comprehensive Plan and accompanying maps to revise the boundaries of Planning Areas II and III, in the general area between the Blanco River and the Wimberley Square, and as further shown on the exhibit attached hereto; and providing for findings of fact; severability; effective date; and proper notice and meeting. (*City Administrator*)

City Administrator Ferguson explained the proposed extension of Planning Area III to include the area of land bounded by Blue Heron Road, Blue Heron Run, Ranch Road 12, and the Blanco River. He noted that property owners with pre-existing, non-conforming uses in the subject area (which is located in Planning Area II and includes *The Vineyard* and *Rio Bonito* Resort) requested the change to allow for possible expansion of those commercial uses in the future.

No public comments were heard.

Councilmember White moved to approve the item as presented. Councilmember McCullough seconded. Motion carried on a vote of 5-0.

- B. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by James and Judy Thompson to operate a bed and breakfast lodging facility on an approximately 1.024 acre tract located at 408 Blue Heron Run, Wimberley, Hays County, Texas, zoned Single Family Residential 1 (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. (*James and Judy Thompson, Applicants*)

Councilmember Thurber moved to approve continuance of Agenda Items 4B, 4C, and 4D, until Council's meeting on December 16, 2010, as requested by the applicants. Councilmember Appleman seconded. Motion carried on a vote of 5-0.

- C. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Donn and Pamela Lamoureux to operate a bed and breakfast lodging facility on an approximately .35 acre tract located at 430 Blue Heron Run, 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. (*Donn and Pamela Lamoureux, Applicants*)

See Agenda Item 4B.

- D. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit submitted by Donn and Pamela Lamoureux to operate a bed and breakfast lodging facility on an approximately .50 acre tract located at 444 Blue Heron Run, 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. (*Donn and Pamela Lamoureux, Applicants*)

See Agenda Item 4B.

5. Discussion and Possible Action

- A. Discuss and consider possible approval of T.F. Harper and Associates, LP as the General Contractor for the Blue Hole Regional Park Development Project and authorizing the Mayor to execute a construction contract with the General Contractor for the work to be performed. (*City Administrator*)

This item was heard after Agenda Item 3.

City Administrator Ferguson provided details on recent bid submittals and recommended T.F. Harper & Associates, LP, based on extensive review by staff and the design team. While a

required list of subcontractors was provided by T.F. Harper as part of its bid, the firm has indicated that it would be open to considering other subcontractors for the project, provided they are able to meet the firm's pre-qualification requirements. City Administrator Ferguson asked for Council's authorization to negotiate and execute a contract with T.F. Harper & Associates, LP.

Discussion addressed the purpose of contract negotiations to allow for more flexibility in the project's phasing and Council's review of contract changes before execution.

Councilmember Roccaforte provided the following reasons for awarding the contract to the local bidder: Harris Road Construction employs approximately twenty Wimberley residents; uses seven Wimberley businesses as subcontractors; the difference between the lowest bidder and Harris Road Company would be made up because "the money stays here," in the form of sales tax revenues and increased deposits in local banks. He felt that awarding the contract to the local bidder keeps most of the \$3,000,000 in Wimberley, benefitting the community and Hays County.

Mayor Flocke agreed with Councilmember Roccaforte, but cautioned against awarding the contract based on the fact that the bidder is local. He cited a recent example in which a local firm was initially awarded a contract for a boundary survey, but negotiations failed to produce a contract due to subsequent hidden expenses.

City Administrator Ferguson and Councilmember Appleman discussed the contract price, in-kind contributions, flexibility of contract terms, and bidder qualifications.

Councilmember Thurber felt Council would be doing the public a disservice by not awarding the contract to the lowest bidder, considering all things equal. He stated that the difference could be spent on additional amenities or future maintenance of the park to ensure that it remains viable and sustainable for future generations. He felt that the public, donors, and contributors deserve the highest possible quality at the least possible cost.

City Administrator Ferguson stated that T.F. Harper & Associates is sensitive to the value of this project to the community.

Based on review of the firm, Councilmember McCullough favored T.F. Harper & Associates, LP as a suitable choice for this type of park project. Though normally his preference is to use a local, familiar contractor such as Harris Road Construction, Councilmember White spoke favorably of T.F. Harper's references and acknowledged the difficult nature of this decision.

Councilmember Thurber moved to approve T.F. Harper & Associates, LP as General Contractor for the Blue Hole Regional Park Development Project and to authorize staff to enter into final negotiations for the contract to be considered by Council at a subsequent meeting. Councilmember Appleman seconded.

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

- B. Discuss and consider possible approval of a partnership agreement between the City of Wimberley and the Friends of Blue Hole (FOBH) relating to fund raising for the development and maintenance of the Blue Hole Regional Park. (*City Administrator*)

Councilmember Thurber recused himself from the meeting at this time due to a possible conflict of interest.

City Administrator Ferguson highlighted terms of the proposed agreement, which authorizes the City to partner with FOBH to raise at least \$300,000 for the development and ongoing maintenance of certain park improvements outlined in Phase 1 and 2 of the Blue Hole Regional Park Master Plan. He detailed fundraising procedures, including review/audit, in-kind donations, naming of elements/amenities, capping of administrative fees, maintenance endowment, and termination of the agreement.

FOBH representative Marilee Wood spoke favorably of the agreement and fundraising plan, which will greatly enhance FOBH's fundraising ability. She thanked City Administrator Ferguson for his work on this project and for laying the groundwork for the park's future.

Councilmember Appleman and Ms. Wood discussed of naming elements of the park.

Councilmember McCullough spoke in support and moved to approve the item as presented. Councilmember Appleman seconded. Motion carried on a vote of 4-0.

- C. Discuss and consider possible approval of a fund raising and facility naming plan for the development of the Blue Hole Regional Park. (*City Administrator*)

City Administrator Ferguson highlighted terms of the naming plan and policy and noted the team effort involved in compiling the price list.

Councilmember McCullough moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 4-0.

Councilmember Thurber rejoined the meeting at this time.

- D. Discuss and consider possible action regarding the determination of the future role of the Wimberley Economic Development Commission (EDC). (*Mayor Bob Flocke*)

Mayor Flocke reviewed past EDC accomplishments, such as producing an Economic Development Strategy and website redesign project. He suggested reducing the number of EDC meetings to once or twice per year. Mayor Flocke asked for Council input and discussion addressed the value of reduced meetings versus dissolving the EDC, absent clear objectives and possible associated tasks. Mayor Flocke requested Councilmember Thurber and Appleman meet with EDC Chair Gary Weeks as an ad hoc committee to discuss the EDC's future scope of work. Councilmembers Thurber and Appleman accepted the task, as requested. Mayor Flocke advised that Chairman Weeks and EDC members Bob Currie and Jenelle Flocke have asked to resign effective January 4, 2011. No action was taken on this item.

- E. Discuss and consider possible approval of a proposed change in the fee structure for rental of the Blanco and Cypress Rooms at the Wimberley Community Center. (*Parks and Recreation Advisory Board*)

City Administrator Ferguson explained the proposed change to allow rentals by non-profit groups and Wimberley residents at a one-hour and two-hour rate, as opposed to the current minimum three-hour rental requirement. He outlined the proposed hourly rates as follows:

<i>Monday - Thursday</i>	2 hours or less	3 hours
Cypress Room	\$12	\$35
Blanco Room	\$15	\$45

<i>Friday - Sunday</i>	2 hours or less	3 hours
Cypress Room	\$20	\$60
Blanco Room	\$25	\$60

Discussion clarified the current/proposed rate schedule. Councilmember Appleman and City Administrator Ferguson discussed the reasoning for limiting the proposed hourly rental rates to Wimberley residents and non-profit organizations. Discussion favored additional Parks Board consideration in order to make a recommendation regarding expansion of the modified hourly rental structure to all individuals/groups interested in renting space.

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

- F. Discuss and consider possible approval of a proposal to prohibit thru-truck traffic on Old Kyle Road. (*Transportation Advisory Board*)

City Administrator Ferguson reported that Transportation Advisory Board (TAB) unanimously recommended prohibition of thru-truck traffic on Old Kyle Road between FM 3237 and Ranch Road 12 due to the road's narrowness and congestion. The prohibition would not apply to authorized emergency vehicles, light trucks, such as pick-up trucks, or trucks with drivers that are able to produce proof of scheduled delivery.

Discussion addressed signage, truck routing, striping, and enforcement to improve safety and compliance.

Councilmember Appleman moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

- G. Discuss and consider possible approval of a proposal to prohibit on-street parking on a portion of Savage Lane. (*Transportation Advisory Board*)

City Administrator Ferguson explained that this proposed prohibition is intended to address complaints from nearby residents about Blanco River users parking on both sides of the narrow stretch of Savage Lane from Wayside Drive to River Road.

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

Addendum to the Regular Agenda

- H. Discuss and consider possible action authorizing the city administrator to retain outside legal counsel for the purpose of reviewing and offering recommendations regarding current and future wastewater agreements. (*City Administrator*)

City Administrator Ferguson advised the Council's previous selection of counsel is unable to proceed due to a possible conflict of interest. He recommended that Council's motion authorize entering into a letter of engagement with attorney Susan G. Zachos, with the understanding that Ms. Zachos respond in thirty (30) days with her assessment and answers to the questions posed regarding wastewater agreements.

Councilmember McCullough asked City Administrator Ferguson to explain the reasons that the former selection, Attorney Patricia Carls, was unable to provide services. He stated that Ms. Carls discontinued her review in order to avoid the potential for a conflict of interest.

Councilmember Appleman moved to approve the item as previously recommended by City Administrator Ferguson, which includes the thirty (30) day response period. Councilmember White seconded. Motion carried on a vote of 5-0.

6. City Council Reports

- Announcements
- Future Agenda Items

Hearing no announcements or future agenda item requests, Mayor Flocke called the meeting adjourned at 7:27 p.m.

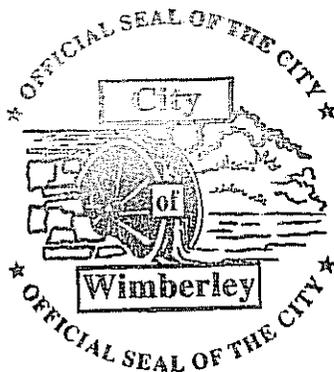
Adjournment: Council meeting adjourned at 7:27 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 18th of November, 2010.



APPROVED:



Bob Flocke, Mayor

Once again I'm here to address this council about removing the barricades and re-opening Las Flores.

I really don't understand why this administration is so adamant about those barricades staying up and keeping the road closed. When nobody ever asked for that!

The residents on Las Flores asked for speed humps and police enforcement to control speed.

Las Flores was on a list of roads that the transportation board put together of the roads they felt were in the most need of improvements.

And yes Las Flores was chosen because it was a highly used road. It was not intended to be closed or barricaded.

The decision to close Las Flores was an afterthought. One that I know Mr. White did not agree with and Mr. McCullough also felt was not thought through properly. A decision Mr. McCullough said he regretted and would do everything in his power to try and change. He apologized to me and said they only heard one side of the issue and took some of the residents' complaints as their basis for making such a drastic decision.

But when I questioned Mr. Ferguson about why they closed Las Flores after spending so much money to improve it just to make it a cul de sac. I was told that the city has the obligation to maintain and improve roads even if they are closed. That lots of planning and studies were done and La Buena Vista is a much better route for traffic.

That is not true any one can look at the two roads and see which one is more suited for traffic and safer for people to use.

The residents and tax payers here in Wimberley deserve answers (honest answers) and accountability regarding this issue and I am asking Mr. White to put this on the agenda and Mr. McCullough to second it and Mayor Flocke to allow this to be an agenda item so that we can rationally discuss this issue about taking down barricades and opening a road that had no business being closed in the first place.

Stephanie Reynolds