

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
March 18, 2010 at 6:30 p.m.

City Council meeting called to order at 6:31 p.m. by Mayor Tom Haley.

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

Councilmembers Present: Mayor Haley and Councilmembers Charles Roccaforte, Bill Appleman, Steve Thurber, and John White. Councilmember Bob Flocke had an excused absence.

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

Citizens Communications

No citizens communications were heard.

1. Consent Agenda

- A. Approval of the minutes of the regular City Council meeting of March 4, 2010
- B. Approval of the minutes of the special City Council meeting of March 4, 2010
- C. Approval of February 2010 City of Wimberley Financial Statements

Councilmember Thurber moved to approve all Consent Agenda items as presented. Councilmember White seconded. Motion carried on a vote of 4-0.

2. City Administrator Report

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

City Administrator Ferguson reported that a public hearing/meeting on the environmental report is scheduled for Tuesday, April 13, 2010 at 6:00 pm. at the Wimberley Community Center. He reported that the Water Wastewater Advisory Board will be presenting its recommendations regarding treatment/financing options to Council on April 1, 2010.

- Status report on the Ranch Road 12 landscaping project

City Administrator Ferguson reported on the history/scope of this project and provided details on specific landscaping features, including stonework, terracing, and irrigation. He anticipated Texas

Department of Transportation's completion of this beautification project in approximately sixty (60) to ninety (90) days.

- Status report on the development of the Hays County Strategic Plan

City Administrator Ferguson reported on the rescheduling of a Hays County strategic planning meeting for Friday, April 16, 2010 from 11 a.m. to 1 p.m. He advised that an agenda can be posted should a quorum of Council members wish to attend. He stated that the draft plan has been emailed to Council and will also be available for viewing on the City's website.

- Status report on activities of the Wimberley Mayor's Fitness Council

City Administrator Ferguson provided details on the Wimberley *Spring Walk* event sponsored by the Mayor's Fitness Council and the New Braunfels Marsch-und Wandergruppe, which is scheduled for March 20-21, 2010. He invited Council to participate in the Mayor's Fitness Council's monthly "moon" walks.

- Status report on the low water crossings over the Blanco River

City Administrator Ferguson displayed photos of damages to gates at the Little Arkansas and Hidden Valley low water crossings and noted repair costs. Discussion addressed alternate types of gates and security measures to prevent future damages from vehicles ramming through closed gates.

- Status report on preparations for the upcoming May 8, 2010 City of Wimberley General Election

City Administrator Ferguson reported on the deadline for voter registration, the schedule/location for voting/early voting, and general election information available on the City's website. He noted that the Department of Justice preclearance process for the May 8, 2010 General Election is underway.

- Status report on the request for an Attorney General opinion regarding the City's authority to impose and enforce a non-Point source pollution ordinance within its Extraterritorial Jurisdiction (ETJ)

City Administrator Ferguson reported on receipt of a favorable Attorney General opinion clarifying the City's authority to enforce non-point source pollution regulations in its ETJ. He anticipated bringing a draft non-point source pollution ordinance to Council for consideration in the next sixty (60) to ninety (90) days.

3. Public Hearing and Possible Action

Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating

geographic boundaries for a particular zoning district and classification for un-zoned real property located within the FM 3237 Corridor with frontage on Old Kyle Road, FM 3237, Blue Hole Lane, Flite Acres Road, Lomax Lane, Rocky Springs Road, Box Canyon Road, Masonic Lodge Road and Buttercup Lane in Wimberley, Hays County, Texas, and further described and shown on the exhibits attached to this ordinance; and designating the initial zoning for each tract from un-zoned to either Residential Acreage (RA), Single Family Residential 2 (R-2), Scenic Corridor (SC), Participant Recreation – Low Impact (PR-1), and Commercial – Low Impact (C-1), as shown on the attached zoning map, and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*City of Wimberley, Applicant*)

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

City Administrator Ferguson detailed the report/maps for City Initiated Zoning Case ZA-09-010 and noted that none of the affected property owners requested a zoning designation different from that recommended by City staff. He advised of Planning and Zoning Commission's unanimous recommendation for approval on March 11, 2010.

No public comments were heard.

In response to Councilmember White, City Administrator Ferguson advised that the Wimberley Cemetery is zoned Public Facilities (PF).

Councilmember Thurber moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 3-0 (Councilmember Appleman recused; Councilmember Flocke absent).

Councilmember Appleman rejoined the meeting at this time.

4. Discussion and Possible Action

- A. Discuss and consider authorizing *Design Workshop* to complete a habitat assessment as an additional service relating to the development of the Blue Hole Regional Park at a cost not to exceed \$23,750. (*City Administrator*)

City Administrator Ferguson reported that *Design Workshop* is seeking authorization to complete a habitat assessment required by Texas Parks and Wildlife Department (TPWD) for eighteen (18) species of concern, at an estimated cost of up to \$23,750.

Discussion established that costs for this additional service will be paid entirely from TPWD grant funds. City Administrator Ferguson advised that the list of species of concern is available for Council to review.

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

B. Discuss and consider action establishing user fees for the 2010 operating season at the Blue Hole Regional Park. (*Parks Advisory Board*)

City Administrator Ferguson reported on the Parks Advisory Board's proposal for 2010 user fees (*attached to these minutes*) as compared with 2009 user fees. Changes included a \$1 increase in daily adult (aged 13-59) fees from \$6 to \$7, a \$15 increase in season passes from \$25 to \$40, and a \$1 increase in the bulk (50+ tickets) purchase rate from \$2.50 to \$3.50. Reservation rates for all groups were increased in the amount of \$25.

Discussion included reasoning for staff and Parks Board recommendations and Council's concerns over the negative impact of park reservations on daily use of the park, particularly by those who may have traveled from out of town to find the park closed for reserved use. Discussion addressed the possibility of creating a 10-punch pass in the future, potential problems with managing use of a 10-punch or family pass, reducing the threshold for bulk rate purchases, balancing the need for revenue to sustain operations while maintaining affordability, and measures taken to mitigate the impact of reservations on daily use until the park is fully developed to accommodate both types of uses. Various scenarios were discussed illustrating problems associated with dual use of the park through daily admissions and park reservations.

As a lodging owner who has purchased bulk tickets, Councilmember Appleman expressed concern over disappointment expressed by guests who arrive to find the park partially or entirely dedicated for reserved use. Councilmember Appleman expressed adamant opposition to selling group/season passes and then closing off the park for reserved group use during normal operating hours. Discussion addressed rationale for the Parks Board's recommendation to impose time limitations on reservations until such time that the park is fully developed to provide separate areas for daily versus reserved uses. Past problems with reservations, public notification of reserved times, sharing of the park among all users, and possible return policy for unused tickets/passes were noted. Park development/construction timelines were outlined.

Discussion acknowledged Councilmember Appleman's concerns and general agreement was reached to approve the 2010 Fee Schedule as proposed by the Parks Advisory Board, with the exception of park reservations, which would not be allowed during regular operating hours. It was clarified that reservations can only be made before or after regular hours during the park's operating season or during the park's off-season period.

Councilmember Appleman moved to approve the 2010 Fee Schedule as proposed by the Parks Advisory Board, with the exceptions noted above related to reservations. Councilmember Roccaforte seconded.

City Administrator Ferguson asked whether Council desired to reduce the threshold for discounted bulk ticket purchases from 50 or more tickets to 20 or more tickets. Councilmember Appleman

amended his motion to include reducing the threshold for the discounted bulk purchase rate from 50 or more tickets to 20 or more tickets. Councilmember Roccaforte accepted Councilmember Appleman's amendment to the motion.

Mayor Haley called for a vote on the amendment to the motion requiring a minimum purchase of 20 or more tickets in order to receive the discounted bulk rate. Motion carried on a vote of 4-0.

Mayor Haley called for a vote on the original motion to approve the 2010 Fee Schedule as proposed by the Parks Advisory Board, with the exception of park reservations, which would not be allowed during regular operating hours, with reservations only allowed before or after regular hours during the park's operating season or during the park's off-season period. Motion carried on a vote of 4-0.

C. Discuss and consider approval of a proposed implementation plan for the Fiscal Year 2010 Wimberley Transportation Priority Projects. (*City Administrator*)

City Administrator Ferguson reviewed the prioritization process to date and analysis resulting in the recommended implementation plan, which includes:

- Palos Verdes Drive reconstruction/overlay from La Pais to Ranch Road 12 at an estimated cost of \$68,428
- La Pais reconstruction from Palos Verdes Drive to La Buena Vista at an estimated cost of \$35,005
- Las Flores Drive reconstruction from FM 2325 to La Buena Vista at an estimated cost of \$130,103

City Administrator Ferguson noted the total estimated costs for these projects at \$233,536, with \$25,000 set aside separately for future sidewalk improvements. He outlined the bid process and estimated timeframe for project completion, once contract(s) are awarded. Discussion established that cost estimates include all engineering fees/surveys.

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

D. Discuss and consider approval of proposed remodeling plans for the future Wimberley City Hall to be located at 211 Stillwater, Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson advised that closing on the subject property is scheduled for April 9, 2010. He stated that minor remodeling plans include the removal of a portion of one wall in the center suite, relocation of the air conditioning unit, carpeting, and painting. He noted projected costs of approximately \$10,000 for the proposed remodeling, which are within the \$20,000 amount budgeted for miscellaneous moving costs.

Discussion established the timeframe for certain remodeling projects, including wiring. Councilmember White moved to approve the item as presented. Councilmember Appleman seconded.

Discussion addressed Councilmember Thurber's inquiry about angling the walls on both sides of Council's dais, instead of on just one side as proposed. Discussion established certain obstacles such as an existing electrical panel and possible alternative layouts, including relocation of walls/doors to accommodate angled walls on both sides of Council's dais.

Hearing no further discussion, Mayor Haley called for a vote on the motion to approve the remodeling plans as presented, with allowances for minor modifications during construction. Motion carried on a vote of 4-0.

- E. Discuss and consider possible action on a request for a variance from the City of Wimberley Sign Ordinance for the business located at 150 FM 3237, Suite E, Wimberley, Texas. (*City Administrator*)

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

City Administrator Ferguson reviewed the variance request seeking permission to install a three (3) color sign for *Wedding Warriors* on the existing free standing sign for the Cornerstone Business Park located at Ranch Road 12 and FM 3237. He noted that City Council has the ability to grant a sign variance if the following standards are met:

- The variance will not authorize a type of sign which is specifically prohibited this chapter
- The variance is not contrary to the goals and objectives outlined by the City of Wimberley Comprehensive Plan; Section VII, D-2
- The variance is not contrary to the public interest
- Due to special conditions, a literal enforcement of the chapter would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.
- The spirit and purpose of the chapter will be observed, and substantial justice will be done.

Discussion addressed prior similar requests, adherence to the spirit of the Sign Ordinance, need for review of the Sign Ordinance, and consideration of each sign variance request on a case-by-case basis. City Administrator Ferguson noted that Council will be reviewing a draft revision of the City's Sign Ordinance on a future agenda.

Councilmember White moved to approve the item as presented, including affirmative findings on the above listed standards. Councilmember Roccaforte seconded. Motion carried on a vote of 3-0 (Councilmember Thurber recused; Councilmember Flocke absent).

Councilmember Thurber rejoined the meeting at this time.

5. City Council Reports

- Announcements
- Future Agenda Items

Mayor Haley announced that Texas Disposal Systems (TDS) will make a thirty (30) minute presentation at Council's next meeting and recommended that Council start earlier at 6:00 p.m., rather than 6:30 p.m. Due to concerns about moving the meeting time earlier, it was agreed that every attempt will be made to inform the public and event organizers of the earlier time and to schedule the TDS presentation so that it occurs no earlier than 6:30 p.m.

It was agreed that Council will meet at 6:00 p.m. on April 1, 2010, with the TDS presentation moved to a later agenda position.

Clarification was provided that the motion on Agenda Item 4D was stated to approve the remodeling plans as presented and established that future modifications may still be made as desired by Council.

Hearing no further announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 7:50 p.m.

Adjournment: Council meeting adjourned at 7:50 p.m.

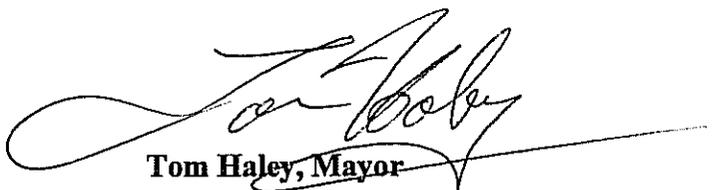
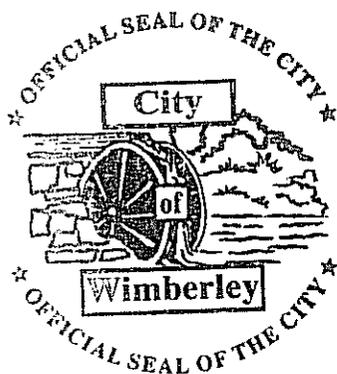
Recorded by:



Cara McPartland

These minutes approved on the 1st of April, 2010.

APPROVED:



Tom Haley, Mayor

Proposed 2010 Blue Hole Park Fee Schedule

	2009	2010
• Daily Admissions	Free	Free
• Infant (0-2)		
• Youth (3-12)	\$3	\$3
• Adult (13-59)	\$6	\$7
• Senior (60+)	\$3	\$3
• Season Pass	\$25	\$40
• Bulk Purchase Rate (50+ tickets)	\$2.50	\$3.50

Proposed 2010 Blue Hole Park Fee Schedule (Cont.)

- Park Reservation (2 hr. min – 5 hr. max.)
- | | 2009 | 2010 |
|--|------|------|
|--|------|------|

Weekday/Weekend Weekday/Weekend

Individual		
– Valley	\$50/\$75	\$75/\$100
– Non-Valley	\$75/\$100	\$100/\$125
Group		
– Valley	\$75/100	\$100/125
– Non-Valley	\$100/125	\$125/150