

**City of Wimberley**  
City Hall, 12111 Ranch Road 12, Ste. 114  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
January 15, 2009 at 6:30 p.m.

City Council meeting called to order at 6:35 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, Bob Flocke, Jeri Xiques, Steve Thurber, and Dick Larson.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland, and Assistant City Attorney Cindy Crosby.

**Presentations of Citizens:**

- Citizen Communications

No citizen comments were heard.

**1. Consent Agenda**

- A. Approval of minutes of the special City Council meeting of December 18, 2008.
- B. Approval the November 2008 Financial Statements for the City of Wimberley

Councilmember Thurber moved to approve Consent Agenda items as presented. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

**2. City Administrator Report**

- Status report on efforts underway to secure federal funding for the Downtown Wastewater Project

This item was heard after Agenda Item No. 5A. City Administrator Ferguson reported on contact with State officials on efforts relating to possible stimulus package funding for projects submitted to the Texas Water Development Board. Mr. Ferguson advised that with the assistance of Herschel "Mac" McCullough and community residents, a website is being developed to educate the public about progress on the Downtown Wastewater Project and help generate support. Given the urgent need for action to preserve Wimberley Valley water features, Mayor Haley and Councilmember Flocke encouraged public support and attendance at the public meeting to be held on Wednesday,

January 28, 2009 at 6:30 p.m. at the Wimberley Community Center. City Administrator Ferguson stressed the importance of citizen contact with government representatives in order to communicate concerns affecting Wimberley.

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

City Administrator Ferguson thanked Hays County Commissioner Will Conley and Hays County Judge Elizabeth Sumter on the execution of the City's Blue Hole Regional Park improvements funding agreement with Hays County. He provided the timeline for grant application submission to Texas Department of Parks and Wildlife and noted that an appointed stakeholder group will be making recommendations to Council on the Requests for Qualifications (RFQs) for design/project management that are due by February 12, 2009. The remainder of original Blue Hole Regional Park grant funding is expected to be expended this summer in order to help fund the Winters Mill Parkway hike and bike trail.

- Status report on the coordinated compliance review of septic systems in downtown Wimberley

City Administrator Ferguson reported on efforts underway with Hays County representatives to conduct a door-to-door courtesy review with downtown property owners. He noted that the final planning meeting will be held next week.

- Status report on the City-initiated commercial zoning project

City Administrator Ferguson reported on progress to date, the timeframe for completion, and noted the public hearing schedule and property owner notification process. He advised that maps will be available for viewing at several locations, including the City of Wimberley website.

- Status report on the update of the City of Wimberley website

City Administrator Ferguson reported that the website update project will take approximately three weeks to complete and will result in an improved, user-friendly website. He welcomed suggestions and advised that all boards and commissions will be involved in redesign efforts.

- Status report on activities of the Wimberley Municipal Court

City Administrator Ferguson reported statistics on court activity, dockets, and the issuance of one arrest warrant to date.

- Status report on activities of the City Marshal

City Administrator Ferguson provided statistics on activities such as public contacts, public meetings, presentations, and traffic enforcement, as well as establishment of regular positive contact

with the business community and interagency cooperation with Hays County Sheriff's Office/Constable's Office and School Resource Officers.

### **3. Presentations**

- A. Presentation by representatives of the Pedernales Electric Cooperative (PEC) of the *PEC Quarterly Report*

This item was heard after Agenda Item No. 1 (Consent Agenda). PEC representative Celestino de Leon reported on PEC's office closure in observance of Martin Luther King, Jr. Day on January 19, 2009. Mr. de Leon reminded that PEC's website is a valuable source of information for PEC customers and the public. He presented PEC's quarterly franchise payment to Mayor Haley and thanked Council.

- B. Presentation by the City Attorney on issues relating to becoming a home rule municipality

This item was heard after Agenda Item No. 2. Assistant City Attorney Cindy Crosby outlined the major differences between general law and home rule municipalities, including authority within the city limits versus the extra territorial jurisdiction (ETJ). Information was presented regarding determination of population in order to meet threshold requirements and the advisability of postponing action until completion of the 2010 U.S. Census. Discussion acknowledged the need for general information, with no imminent Council action planned.

- C. Presentation by City staff on the 2008 Development Report for the City of Wimberley

City Administrator Ferguson presented 2008 statistics and comparisons with prior years' data on the following:

- Building permits (residential and commercial) issued
- Values of construction projects
- Housing starts
- Average home values
- Subdivision/zoning cases
- Variances

### **4. Public Hearing and Possible Action**

- A. Hold a public hearing and consider approval of a proposed application from the City of Wimberley for an outside recreational grant from the Texas Parks and Wildlife Department and consider adoption of a resolution authorizing the submission of the subject grant application (*City Administrator*).

City Administrator Ferguson explained that this item is needed to meet grant requirements. Mayor Haley opened the public hearing. Hearing no response, Mayor Haley closed the public hearing.

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

- B. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 15 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for a 0.24 acre tract located at 180 Henson Drive, Wimberley, Hays County, Texas, designating initial zoning for such tract as Mobile Home (MH); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting (*Lisa Powell, Applicant*).

City Administrator Ferguson explained the applicant's requested zoning, noting subject property's location, and current/proposed zoning/uses. He advised that staff and the Planning and Zoning Commission recommend approval.

Mayor Haley opened the public hearing. Hearing no response, Mayor Haley closed the public hearing. Councilmember Xiques moved to approve the item as presented. Councilmember Larson seconded. Motion carried on a vote of 5-0.

- C. 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 a 3.11 acre tract located at 320 Wimberley Square, Wimberley, Hays County, Texas, designating initial zoning for such tract as Commercial – High Impact (C-3); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting (*Calkins Interest, Ltd., Applicant; Kelly Kilber, Agent*).

City Administrator Ferguson reported that the subject property is currently for sale and undergoing subdivision, which requires that the property be properly zoned. He reported on total acreage, lot sizes, and proposed uses, with staff and Planning and Zoning Commission recommending approval. Mr. Ferguson noted that one adjacent property owner, Rob Pitzer, appeared at Planning and Zoning's January 8, 2009 meeting to request information on the subject property's intended use and expressed concerns related to noise at the former Cypress Creek Café, but did not oppose the requested zoning.

Mayor Haley opened the public hearing. Wimberley resident, Sue Sweatt, asked whether prospective owner(s) would be subject to historic preservation rules. City Administrator Ferguson advised that the subject property is not designated as an historic site, but discussion with the potential buyer revealed that only interior modifications are under consideration. Hearing no further comments, Mayor Haley closed the public hearing.

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

- D. Hold a public hearing and consider approval of an application for a Preliminary Plan and Final Plat of 3.11 acres to be known as the CCC Addition located at 320 Wimberley Square, Wimberley, Hays County, Texas (*Calkins Interest, Ltd., Applicant; Randy Burt, Agent*).

City Administrator Ferguson reviewed the subdivision application, noting lots, acreages, frontages, and existing/proposed structures and uses. Mr. Ferguson recommended that motion for approval be contingent upon the addition of title commitment notes related to minor easement adjustments. He closed his comments with staff's recommendation for approval with the stated contingencies.

Mayor Haley opened the public hearing. Hearing no response, Mayor Haley closed the public hearing. Councilmember Xiques moved to approve the item with the previously stated contingencies related to minor easement adjustments. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

Mayor Haley called a recess at 7:47 p.m. Mayor Haley reconvened at 7:57 p.m.

- E. Hold a public hearing and consider approval of the first reading of an ordinance amending Subsections of 33.02 (Transportation Advisory Board), 33.03 (Water and Wastewater Advisory Board), 33.04 (Parks and Recreation Board), 150.01 (Building Code Board of Review), and 155.107 (Planning and Zoning Commission), of the Code of Ordinances of the City of Wimberley, Texas, in order for all boards to have the same number of appointments and revise the residency requirements; providing for an effective date; proper notice and meeting, severability and repealer (*Place Five Councilmember Dick Larson*).

City Administrator Ferguson reviewed the results of past considerations of this item, including Planning and Zoning Commission's recommendation that its Commission's residency requirements remain as currently written, with the additional requirement that the maximum number of two allowed residents of the extraterritorial jurisdiction (ETJ) must own real property within City limits.

Mr. Ferguson advised that after weighing public input, Councilmember Larson requested the addition of the following language (noted in italicized text) to §155.107(B)(1):

"There is created, in accordance with the Tex. Loc. Gov't. Code, Chapter 211, the Planning and Zoning Commission, hereafter sometimes referred to as the 'Commission,' which shall consist of 7 members who are either resident citizens of the city or are residents of the extraterritorial jurisdiction of the city, provided that no more than 2 members shall reside in the extraterritorial jurisdiction of the city, *that these 2 must be owners and operators of a business located inside the city limits of Wimberley.*"

City Administrator Ferguson advised that Councilmember Larson does not wish to change the residency requirements for the remaining boards and commissions.

Mayor Haley opened the public hearing.

Wimberley Transportation Advisory Board (TAB) Chairman Corwin Vansant spoke in favor of keeping the current number of appointments and residency requirements for boards and commissions. Though TAB's duties are advisory only, Mr. Vansant noted that TAB considers recommendations on issues affecting the greater Wimberley Valley. He noted that TAB has successfully performed its duties under the present residency requirements, and also that the City employs paid consultants from outside the City limits.

TAB Secretary Bert Ray echoed Chairman Vansant's comments, felt that "we are all in this together," and stated that many of those who live outside the City limits care a lot about Wimberley. Mr. Ray expressed his desire to continue serving Wimberley, though he resides outside City limits.

TAB Vice Chair Mark Roden agreed with statements made by his fellow TAB members, Corwin Vansant and Bert Ray. Speaking as a citizen, Mr. Roden was privileged to serve on TAB and felt that Wimberley's talented volunteers provide a tremendous asset to the community. He reflected on the City's incorporation efforts and urged Council to not limit the skilled human resources available to the City as volunteers.

Wimberley resident Rob Pitzer confirmed with City Administrator Ferguson that the most recent version of the proposed ordinance does not change the composition of any boards or commissions, *except* for Planning and Zoning. Because the entire Wimberley Valley is part of the community, Mr. Pitzer supported taking advantage of resources that are outside of the City limits.

Speaking as a Wimberley citizen, Hays County Judge Elizabeth Sumter commended Councilmember Larson for his amendments to the proposed ordinance (presented at tonight's meeting) and Council for its pursuit of City-wide zoning.

Planning and Zoning Commissioner Paul Xiques was pleased that the City-resident only requirement has been amended by Councilmember Larson. Due to the advisory nature of boards/commissions, Commissioner Xiques felt that Council would benefit by obtaining advice from as many sources as possible. He relayed concerns that Planning and Zoning expressed relating to requiring business ownership versus real property ownership for up to two allowed ETJ members, with Planning and Zoning's general consensus in favor of additionally requiring real property ownership.

Wimberley resident, Susan Thurber, recommended delaying action on this item due to the changes proposed at tonight's meeting by Councilmember Larson that are not included in the posted agenda item.

Hearing no further comments, Mayor Haley closed the public hearing.

Councilmember Larson provided reasoning for his proposed change allowing up to two Planning and Zoning members to reside in the ETJ *and* own and operate a business within the City limits in order to give business owners a voice. He noted for speaker Susan Thurber that this is the first

reading of the agenda item, which will be considered again on second reading at Council's next meeting.

Discussion among Council and City Administrator Ferguson addressed representation of business owners' interests via Council/Board representation, need to clarify boards/commissions' residency requirements by eliminating references to "vicinity," preference for allowance of up to two ETJ residents for Planning and Zoning membership, and differences in proposed wording relating to "business" versus "property/real property" ownership. Discussion generally favored Councilmember Larson's amendment eliminating references to all other boards and commissions other than the Planning and Zoning Commission in the proposed ordinance.

Wimberley resident Curt Busk spoke in favor of compromise language stating that up to two Planning and Zoning members may reside in the ETJ *or* be a business owner in the City. Brief discussion posed hypothetical questions on changes affecting membership status such as removal of business owners from service should the business close or cease operations.

Mayor Haley recommended postponing any action until the ordinance can be rewritten based on input to date and reconsidered as a future agenda item. Councilmember Thurber moved to table this item and direct staff to rewrite the proposed ordinance based on input for consideration at a future meeting. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

## **5. Resolutions**

- A. Consider approval of a resolution authorizing the City of Wimberley, Texas to support the Hays County, Texas application for flood protection planning grant assistance filed with the Texas Water Development Board (*Precinct Three Hays County Commissioner Will Conley*).

This item was heard after Agenda Item 5B. Commissioner Will Conley emphasized the importance of water/drainage issues for Hays County/Wimberley residents and asked for support in developing a county-wide coalition resulting in a drainage master plan. Commissioner Conley encouraged support for the master plan to better plan for correction/prevention of existing/future drainage problems. He closed his comments by introducing Wes Birdwell of Halff Associates, whose presentation addressed: Phase 1 and Phase II timeline/costs; benefits of the plan to Hays County residents, existing/new homeowners, developers, and staff; components of the study and accompanying goals; various flood control alternatives; public meetings; funding details; and, action plan. Discussion among Council and Mr. Birdwell addressed alternatives for runoff including dams such as the one proposed in the past for Cloptin's Crossing and associated potential benefits to flood prevention.

Hearing no further discussion, Mayor Haley entertained a motion. Councilmember Larson moved to approve the item as presented. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

- B. Consider approval of a resolution of the City of Wimberley, Texas accepting a gift of real property from Pedernales Electric Cooperative, Inc. (*City Administrator*).

This item was heard after Agenda Item No. 3A. City Administrator Ferguson provided history on the subject property and the process of acquisition. He stressed that transfer of ownership is conditioned on the use of the subject property for a public purpose. If at any time the subject property is not used for a public purpose, ownership would revert back to Pedernales Electric Cooperative (PEC).

Councilmember Thurber moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0. Acknowledging a new era of cooperation, PEC General Manager Juan Garza and PEC Board member Patrick Cox were pleased to work collaboratively with local governmental entities in order to implement conveyance of this property.

Mayor Haley called for a short recess at 6:37 p.m. in order to execute the deed and take photographs of the signing. Mayor Haley reconvened the meeting at 6:51 p.m.

## 6. Ordinances

Consider approval of the first reading of an ordinance of the City of Wimberley, Texas amending Title V (Public Works) by creating Chapter 51 (Water Conservation) of the Code of Ordinances in order to establish regulations to conserve water; providing for a penalty for violations of the ordinance; findings of fact; repealer; severability; effective date; and proper notice and meeting (*Place Four Councilmember Steve Thurber*).

This item was heard after Agenda Item No. 4E. Mayor Haley introduced the item and opened Council discussion. Councilmember Thurber stated the need for this extremely important ordinance and relayed negative comments made by Hays County Commissioner Court regarding Wimberley's lack of water conservation/drought management measures. Council generally agreed on the need for this ordinance and discussed the following issues:

- Restructuring of language in §51.29 moving the last sentence ("The City and its employees shall make every effort to contact the property owner or authorized occupant prior to entering the premises.") to the beginning of §51.29
- Revision of times for allowed watering (6 p.m. to 10 a.m.) during winter months

Mayor Haley opened the public hearing.

Ed Pope, speaking on behalf of the Citizens Alliance for Responsible Development (CARD), supported the proposed ordinance as a needed start to address current and future stresses on the water needs of Wimberley and surrounding areas, allowing Wimberley to respond timely and effectively to changes in the water supply. He encouraged proactive measures to ensure that the quality of living remains high by anticipating needs and taking action to keep our economy viable.

Planning and Zoning Commissioner David Glenn reminded Council of its adoption of the directed consensus recommendation (No. 3) of the Wimberley Valley Water Issues Subcommittee to develop a comprehensive water conservation plan for the Wimberley Valley through a collaboration of municipalities and water suppliers under the leadership of the Hays Trinity Groundwater Conservation District. Commissioner Glenn supported approval of tonight's proposed water conservation ordinance, along with Wimberley Water Supply Corporation's recently enacted drought management plan as the starting point for further action. Commissioner Glenn noted Wimberley's proximity to desert conditions, rainfall statistics, and the inevitability of drought. He urged Council's approval of the proposed ordinance and noted the need to focus attention on promoting voluntary conservation.

Hearing no further comments, Mayor Haley closed the public hearing. Subsequent Council discussion addressed enforcement procedures, revision of watering times to accommodate differences in sunrise/sunset times in winter/summer months, and general agreement on the previously stated recommended language restructuring in §51.29. Hearing no further discussion, Mayor Haley entertained a motion.

Councilmember Thurber moved to approve the first reading of an ordinance of the City of Wimberley, amending Title V (Public Works) by creating Chapter 51 (Water Conservation) of the Code of Ordinances in order to establish regulations to conserve water, with the proviso that the following changes are made to the ordinance: the previously stated restructuring of language in §51.29 (Access to Premises), revision of prohibited watering times to accommodate differences in sunrise/sunset times in winter/summer months. Councilmember Flocke seconded. Motion carried on a vote of 5-0.

## **7. Discussion and Possible Action**

- A. Discuss and consider the designation of the City Administrator as the point of contact for the City of Wimberley under the Hays County Emergency Management Plan and authorizing the Mayor to execute the paperwork necessary to make the designation (*City Administrator*).

City Administrator Ferguson recommended approval of this routine request by Hays County to designate a point of contact with the City. Councilmember Thurber moved to approve the item as presented. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider approval of a logo design for the tennis center to be built at the Blue Hole Regional Park (*City Administrator*).

City Administrator Ferguson explained the need for the Wimberley Tennis Association to obtain approval for the logo to be used in fund raising efforts and for tennis center signage. He provided details on the logo's color scheme of yellow, blue, and white, and recommended approval. Curt Busk noted that use of Friends of Blue Hole art work is copyrighted, which requires the appropriate copyright designation (©), and did not register any objections to the tennis center logo design. Councilmember Roccaforte moved to approve the item as presented. Councilmember Xiques

seconded. Councilmember Thurber commended Bob Kerrigan and the Wimberley Tennis Association for its hard work on this project. Motion carried on a vote of 5-0.

- C. Discuss and consider approval of a commercial lease agreement for the existing City of Wimberley City Hall office space and storage space (*City Administrator*).

After brief discussion, Council directed staff to revisit the lease agreement terms with the landlord in order to reduce or eliminate the amount of the rent increase. No action was taken on this item.

- D. Discuss and consider approval of the transfer of \$5,000 from the City of Wimberley unrestricted General Fund balance to meet a prior commitment to provide matching funds to Hays County for the development of a regional water supply and wastewater facility plan and amending the Fiscal Year 2009 Budget to reflect the transfer (*City Administrator*).

Because Hays County's grant funding has been approved, City Administrator Ferguson recommended approval based on a prior matching funds commitment made by the City. Councilmember Xiques moved to approve the item as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider approval of the transfer of \$2,000 from the City of Wimberley unrestricted General Fund balance to fund repairs to the air conditioning system at the City-owned Wimberley Community Center and amending the Fiscal Year 2009 Budget to reflect the transfer (*City Administrator*).

City Administrator Ferguson noted that the City is sharing the repair costs with Wimberley Senior Citizens Association, Inc. and the Wimberley Valley Art League. Brief discussion addressed possible issues with the original construction and design that may affect the air conditioning system. Councilmember Thurber moved to approve the item as presented. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

- F. Discuss and consider approval of a proposed amendment to the City of Wimberley Investment Policy (*City Administrator*).

City Administrator Ferguson outlined the following updates:

- Eliminates reference to Budget, Investment and Finance (BIF) Committee
- Eliminates reference to Investment Committee
- Designates the City Administrator as the Investment Officer
- Requires Investment Officer to undergo regular certification training and invest funds in accordance with the City Investment Policy
- Establishes quarterly reporting requirement to City Council rather than monthly and set forth the parameters for doing so

Brief discussion established that Mr. Ferguson has attended the required training. Councilmember

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

- G. Discuss and consider approval of the routes for the *10K Spring Walk in Wimberley* scheduled for March 21<sup>st</sup> and 22<sup>nd</sup>, 2009 (*Mayor Pro-tem Bob Flocke*).

Mayor Pro-tem Flocke explained the dates and routes of this walk sponsored by New Braunfels Marsch-und Wandergruppe and the Wimberley Mayor's Fitness Council. Discussion addressed potential traffic problems, signage, and anticipated number of participants. Mayor Pro-tem Flocke moved to approve the item as presented. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- H. Discuss and consider approval of a nomination to serve on the Capital Area Metropolitan Planning Organization (CAMPO) Board as the small cities representative for Hays County (*Mayor Tom Haley, City Administrator*).

In response to a call for nominations from Hays County Judge Elizabeth Sumter, Mayor Haley recommended Kyle Mayor Mike Gonzalez as a nominee for small cities representative on the CAMPO Board, with Mayor Pro-tem Bob Flocke nominated as an alternate. Councilmember Thurber moved to approve the nomination of Mayor Pro-tem Bob Flocke as an alternate. Councilmember Larson seconded. Motion carried on a vote of 5-0. After brief discussion of the nomination of Kyle Mayor Mike Gonzalez, Councilmember Thurber amended his motion to include the nomination of Kyle Mayor Mike Gonzalez as the CAMPO Board small cities representative for Hays County. Councilmember Larson seconded. Motion carried on a vote of 5-0.

- I. Discuss and consider action setting the date for a special City Council meeting to discuss and take possible action on the development of a joint governmental services facility in Wimberley (*City Administrator*).

Council discussion yielded agreement on Tuesday, February 17, 2009 as an acceptable date to hold a special meeting. Councilmember Thurber moved to hold a special meeting on Tuesday, February 17, 2009 at 6:00 p.m. to discuss and take possible action on the development of a joint governmental services facility in Wimberley. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

- J. Discuss and consider action approving a variance to the City of Wimberley sign regulations for a business located at 12605 Ranch Road 12 (*City Administrator*).

City Administrator Ferguson provided details on the existing/proposed signage and the applicant's reason for requesting the variance to allow a second 4 foot by 8 foot free-standing sign to advertise Craftmaster Custom Homes, which may be relocated when the business is moved to another future location. City Administrator Ferguson expressed concerns regarding the granting of variances for off-premise signs due to ongoing enforcement issues. He listed standards that must be met in order for Council to grant a sign variance.

Discussion among Council, City Administrator Ferguson, Assistant City Attorney Crosby, and the applicant addressed reasoning for the variance request, plans for signage should Craftmaster Homes relocate, alternate signage plans, current ordinance language prohibiting off-premise signs, effect of pending re-write of sign ordinance on off-premise signage, and possible refund of fees to applicant if variance is denied.

Councilmember Flocke moved to deny the variance and refund the applicant's fees because the applicant requested a variance for a sign specifically prohibited by ordinance. Councilmember Thurber seconded. Mayor Haley called for a vote as follows: Councilmember Roccaforte, aye; Councilmember Flocke, aye; Councilmember Xiques, nay; Councilmember Thurber, aye; Councilmember Larson, nay. Motion carried on a vote of 3-2.

City Administrator Ferguson clarified for Council that staff does not have the ability to deny acceptance of a variance request application and that Council must make a determination based on the specified standards. Brief discussion addressed signage alternatives available to the applicant, possible future amendments to sign ordinance language, and advisability of waiving fees.

- K. Discuss and consider action on a request for the City of Wimberley to support the efforts of Carson Properties to gain access to wastewater service for a planned mixed use development on property abutting Cypress Creek (*City Administrator*).

Discussion resulted in general agreement to direct staff to draft a resolution in support of access to wastewater service for all property owners, including but not limited to Carson Properties. Councilmember Roccaforte moved to direct staff to proceed with the drafting of said resolution. Councilmember Xiques seconded. Motion carried on a vote of 5-0.

## **8. City Council Reports**

- Announcements
- Future Agenda Items

Mayor Haley reminded that a public hearing will be held on January 28, 2009 at 6:30 p.m. at the Wimberley Community Center on downtown wastewater service.

Councilmembers Thurber and Flocke requested a future agenda item on the roles/functions of boards and commissions.

City Administrator Ferguson announced that the Transportation Advisory Board (TAB) quarterly report will be presented at Council's next meeting. He noted that City Hall offices will be closed on Monday, January 19, 2009 in observance of Martin Luther King, Jr. Day.

Hearing no further comments, Mayor Haley entertained a motion. Councilmember Larson moved to adjourn. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

**Adjournment:** Council meeting adjourned at 9:48 p.m.

Recorded by:

*Cara McPartland*

Cara McPartland

These minutes approved on the 5th of February, 2009.

**APPROVED:**

*Tom Haley*  
Tom Haley, Mayor

