

City of Wimberley
City Hall, 12111 Ranch Road 12, Ste. 114
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
March 4, 2010 at 6:30 p.m.

City Council meeting called to order at 6:30 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, Bill Appleman, Steve Thurber, and John White.

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

Citizens Communications

No citizens communications were heard.

1. Consent Agenda

- A. Approval of the minutes of the special City Council meeting of February 18, 2010
- B. Approval of the minutes of the regular City Council meeting of February 18, 2010

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

Relating to Consent Agenda Item 1B, Councilmember Thurber requested that the minutes reflect the following added italicized language to comments made by Paradise Hills' resident Linda Webb during Citizens Communications: ". . .worsening problems with standing water *allegedly resulting* from recent Wimberley Water Supply Corporation system improvements."

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

2. Presentation

Presentation of a status report on the implementation of the recommendations included in *The Wimberley Valley Water Issues Report*. (Planning and Zoning Commission Member David Glenn)

Commissioner Glenn presented the history and background of *The Wimberley Valley Water Issues Report* and provided details on major water concerns, goals, study area, subcommittee results, and completion rate (expressed in percentages) of implementation of specific recommendations. He closed with the following statement: "WATER is the elixir that makes the Hill Country magic." *Commissioner Glenn's presentation is attached to these minutes.*

3. 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 is scheduled for Tuesday, April 13, 2010 at 6:00 pm. on the environmental report. He reported that the Water Wastewater Advisory Board will be presenting its recommendations regarding treatment/financing options and that the Texas Water Development Board is still reviewing applications submitted by the City and Guadalupe Blanco River Authority.

- Status report on the City initiated zoning project

City Administrator Ferguson reported that the project is nearing completion, with the final zoning case to be presented to Council in April.

- Status report on the 2010 U.S. Census

City Administrator Ferguson reported that the City will serve as a resource center during the U.S. Census process. The City's website will also contain Census-related information for the public.

- Status report on the development of a funding plan for the Fiscal Year 2010 Transportation Priority Projects

City Administrator Ferguson reviewed the process to date, planned projects, including future capital improvements, alternative quotes from Hays County, and an upcoming report on an implementation plan.

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

City Administrator Ferguson reported on certain deadlines, including procedures for filing for a place on the ballot, and the drawing to be held on March 10, 2010 at 1:00 p.m. to determine the order of names listed on the ballot. He reported on other timeframes, including the deadline for voter registration and the schedule for early voting.

- Status report on issues relating to the acquisition of property for the new City Hall

City Administrator Ferguson publicly thanked Councilmember Roccaforte for his assistance and distributed copies of remodeling plans. He anticipated cost estimates to be within budget and provided details on specific remodeling issues. Inspection reports have yielded very few issues that need to be addressed, with no problems related to the environmental report. He stated that closing efforts are proceeding as scheduled, with a possibility of moving the closing to an earlier date.

Councilmember Appleman conveyed citizen concerns relating to funding for partial projects and the possibility that future Councils will be committed to completing those projects. City Administrator Ferguson reiterated the amounts allocated for streets/sidewalks and stressed that improvements for priority projects will be addressed in ways that attempt to avoid partially completed projects.

4. Public Hearing and Possible Action

- A. 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 exhibit 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*)

Because the Planning and Zoning Commission lacked a quorum to hold its February 25, 2010 meeting, City Administrator Ferguson requested that this item be continued until Council's meeting on March 18, 2010. He reported that the Planning and Zoning Commission will consider making a recommendation at its March 11, 2010 meeting.

Councilmember Flocke moved to continue this item until Council's meeting on March 18, 2010. Councilmember Thurber seconded.

As a notified property owner, Councilmember Appleman recused himself from the meeting at this time due to a possible conflict of interest. Motion carried on a vote of 4-0.

- 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 un-zoned real property located at or near the intersection of Ranch Road 12 and FM 32 in Wimberley, Hays County, Texas, and further described and shown on the exhibit 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*)

City Administrator Ferguson requested that this item be continued until Council's meeting on April 1, 2010 in order to ensure proper notice and publication of this zoning request. He noted that the Planning and Zoning Commission is scheduled to consider a recommendation to Council at its March 25, 2010 meeting.

Councilmember Thurber moved to continue this item until Council's meeting on April 1, 2010. Councilmember White seconded. Motion carried on a vote of 4-0.

Councilmember Appleman rejoined the meeting at this time.

5. Discussion and Possible Action

- A. Discuss and consider possible approval of a contract with *Design Workshop* for design engineering drawings, assistance in permitting, bidding and negotiation, and construction administration for the Blue Hole Regional Park Development Project and authorize the City Administrator to sign the contract. (*City Administrator*)

City Administrator Ferguson directed Council's attention to a revised version of the contract distributed at tonight's meeting. He reviewed various project phases and noted one contract revision to allow flexibility in construction phasing and allocation of associated costs.

In response to Councilmember Thurber's inquiry, City Administrator Ferguson replied that *Design Workshop* representatives have reviewed the revised contract and are in agreement with the revisions.

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

- B. Discuss and consider possible approval of the 2009 Racial Profiling Report for the now former City of Wimberley City Marshal. (*City Marshal*)

City Administrator Ferguson presented the report, which law enforcement agencies are required to report to their respective governing bodies for review and approval.

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

- C. Discuss and consider possible approval of a request from *Ducks Unlimited* to allow rental of the Wimberley Community Center at a discounted rate. (*Place Two Councilmember Bob Flocke*)

Wimberley Area Chairman Allan Neighbors highlighted *Ducks Unlimited's* history/fundraising and read a statement supporting his organization's discounted rate of \$325 as specified in its 2008 agreement with former Wimberley Community Center (WCC) management.

Councilmember Flocke cited past discussions on Council's decision not to honor agreements made between renters and former management [Wimberley Senior Citizens Association, Inc. (WSCAI)]. He favored honoring the prior agreement in place before the City assumed management, provided that *Ducks Unlimited* pays the entire \$325 before March 15, 2010 (the effective date for the revised rates) and that access is limited to the actual rental period, and does not include time before/after the rental period.

Councilmember Appleman commended *Ducks Unlimited* for its community service, but felt that he needed to be consistent with his prior comments relating to the need to at least cover costs for WCC operations.

In response to Councilmember Thurber, Mr. Neighbors replied that in past years *Ducks Unlimited* started set-up for the event around 4:00 p.m. on the afternoon prior to the event, but stated that this year he can ensure set-up and tear-down to take place on the day of the event, if necessary.

Discussion addressed specific rental rates/periods and Mr. Neighbors stated the need for one full day rental consisting of approximately twelve (12) hours in order to clean up and ensure that *Ducks Unlimited's* deposit is returned.

Councilmember White recommended a compromise one-time only rental fee of \$800 for this year's event.

Mayor Haley expressed concerns for *Ducks Unlimited's* position, but stated his obligation to get the best return for the City. He acknowledged that the event brings in two to three hundred (200-300) people to Wimberley and makes at least \$50,000 per year, but stated that most of the money that is spent on food and merchandise does not go to local merchants. Mayor Haley noted the WCC's \$50,000 operating deficit last year and his obligation to try to lessen that deficit. He concurred with Councilmember White's recommendation for a one-time reduced rate of \$800.

City Attorney Crosby clarified that the City was not a party to the prior agreement between *Ducks Unlimited* and WSCAI, therefore, the City has no legal obligation under that agreement.

Discussion addressed the City's recognition of two other existing rental agreements, details of the agreement between *Ducks Unlimited* and WSCAI, public benefit derived from the *Ducks Unlimited* event, rental availability, event set-up/tear-down time, various compromise proposals, authority of certain *Ducks Unlimited* representatives relative to contract approval, comparison of WCC with

surrounding rental spaces, and possible adjustment of event ticket prices. General agreement was reached on a proposed rental rate of \$800, with allowances made for set-up/tear-down time.

Recognizing a public benefit in offering a reduced rate, Councilmember White moved to approve rental of Johnson Hall and one conference room in the amount of \$800, with set-up to begin at approximately 4:00 p.m. on the day preceding the event. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

Subsequent discussion addressed response deadlines for acceptance and a possible payment plan.

- D. Discuss and consider action on the possible development of a business permitting program for the City of Wimberley. (*Place Two Councilmember Bob Flocke*)

Councilmember Flocke stated his reasoning for requesting this agenda item based on the need for up-to-date contact information on businesses, some of which have high turnover rates. He discussed possible fees, penalties, and participation as a way to track existing and incoming businesses.

Discussion addressed purposes for a permitting program, various aspects of implementation, and ability to track economic activity in general. Councilmember Flocke stressed that no action needs to be taken on this item and thanked Council for its time and consideration on this issue.

Mayor Haley entertained a motion. Hearing none, the item died for lack of motion.

No action was taken on this item.

- E. Discuss and consider possible approval of a request from Wimberley E-M-S to utilize the Blue Hole Regional Park for the annual Wimberley E-M-S Duck Race on May 22, 2010 and to waive the reservation fees for the use of the park. (*City Administrator*)

Discussion established that this event does not fall within the park's regular operating season.

Councilmember Flocke moved to approve waiver of the reservation fees in the public interest. Councilmember Appleman seconded. In response to Councilmember Appleman, City Administrator Ferguson replied that there is no cost to the City for this event, other than the waived reservation fees. Motion carried on a vote of 5-0.

- F. Discuss and consider possible approval of the route for the 2010 Wimberley 4 Run and Walk on April 24, 2010. (*City Administrator*).

City Administrator Ferguson provided details on the route and traffic control measures.

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

- G. Discuss and consider action on issues relating to the possible acquisition of Lot 80 (0.814 acres) in South River Unit One, also known as 211 Stillwater, Wimberley, Texas. (*City Administrator*)

Mayor Haley adjourned Open Session and convened Executive Session at 7:54 p.m. pursuant to §551.072 of the Government Code for discussion about real estate acquisition.

Mayor Haley adjourned Executive Session and reconvened Open Session at 8:00 p.m.

No action was taken on this item.

6. City Council Reports

- Announcements
- Future Agenda Items

Mayor Haley reminded that Wimberley Institute of Cultures is sponsoring an exhibit on the historic Wimberley Square at the Winters-Wimberley House.

Councilmember Thurber announced the upcoming performance schedule for the *Starlight Symphony Orchestra*.

City Administrator Ferguson reported that an agenda will be posted, should a quorum of Council wish to attend a Hays County strategic planning wrap-up session to be held on March 23, 2010 at the Wimberley Community Center.

In response to Councilmember Roccaforte, City Administrator Ferguson advised of actions to address problems with certain non-working street lights and potholes developing on Ranch Road 12. There was brief discussion of street conditions, including low water crossings, and the impact of recent weather events on roads.

Hearing no further announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 8:05 p.m.

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

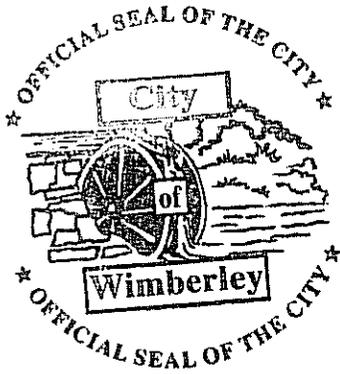
Recorded by:



Cara McPartland

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

APPROVED:



Tom Haley
Tom Haley, Mayor

WIMBERLEY VALLEY WATER ISSUES SUBCOMMITTEE

CHARTER & GOALS

- **Five (5) Member Subcommittee**
 - Glenn Fryer, P&Z Commissioner, VOW
 - David Glenn, P&Z Commissioner, VOW
 - Don Ferguson, City Administrator, VOW
 - Jack Hollon, Dist. 5 Director, HTGCD
 - Doug Wierman, Dist. 1 Director, HTGCD

- **Charter to Review Major Water Concerns of COW and HTGCD**

- **Goal to Preserve Quality and Quantity of Ground Water and Stream Flows in Wimberley Valley**

WWWI SUBCOMMITTEE RESULTS

- ***HTGCD HAS INADEQUATE FUNDING & AUTHORITY***
 - Support Full TWC Chapter 36 Authority
 - ◇ 50 % Complete
- ***KARST GEOLOGY CONNECTS STREAMS AND GROUNDWATER***
 - Develop Water Quality Protection Ordinance for Wimberley
 - ◇ 75% Complete
- ***WE LIVE ON THE EDGE OF THE DESERT***
 - Develop Comprehensive, Collaborative Water Conservation Plan for Wimberley
 - ◇ 50% Complete
 - Encourage Rainwater Collection & Xeriscape Demonstration Projects
 - ◇ 50% Complete

WWVI SUBCOMMITTEE RESULTS

• WE NEED COUNTY WIDE WATER PLANNING

- Support Alternative Conjunctive Water Supply Efforts for Wimberley Valley
 - ◇ 80 % Complete

• IMPROVE TWDB GROUND WATER MODELING

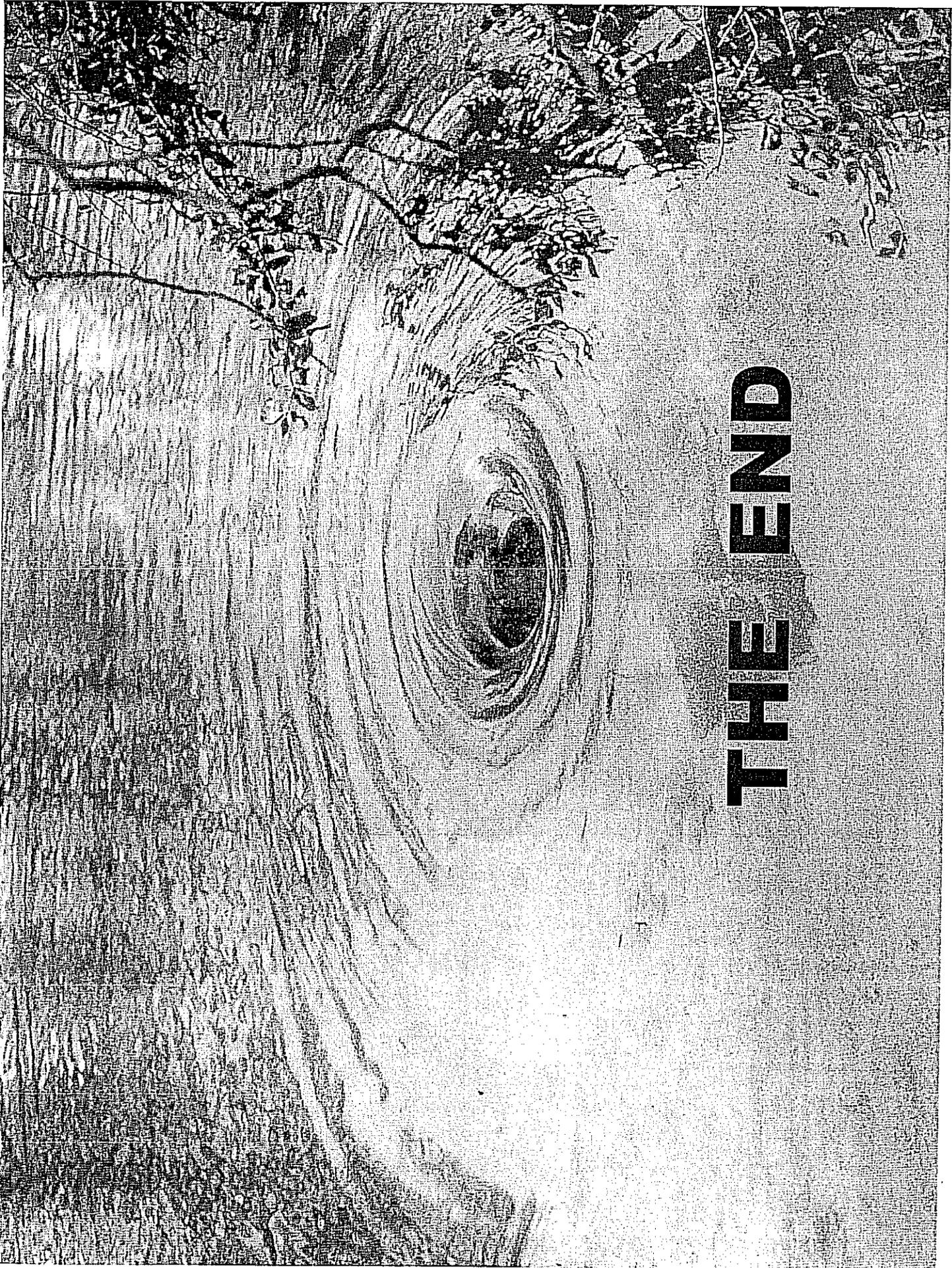
- Add Lower Trinity Aquifer to Trinity Hill Country GAM
- Use HTGCD new well and geological data in GAM
 - ◇ 100 % Complete

• JACOBS WELL, TRINITY AQUIFER SPRING, IS ENDANGERED

- Support WWVA Request to Buy 55 acre Jacobs Well natural Area Site
 - ◇ 100 % Complete

**“WATER is the elixir that
makes the Hill Country
magic”**

....David Glenn



THE END