

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
November 15, 2012 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 Tom Talcott, Mac McCullough (arrived at 6:03 p.m.), Steve Thurber, and John White. Councilmember Matt Meeks was absent.

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

Citizens Communications

Mayor Flocke made an announcement regarding the City's receipt of the Texas Municipal League's 2012 Municipal Excellence Award for Public Works recognizing the Blue Hole Regional Park development's award-winning planning and design. He also advised that a public meeting is tentatively scheduled for Thursday, November 29, 2012 at 6 p.m. at the Wimberley Community Center to allow for citizen input on the topic of potential wastewater system effluent discharge. Because this topic is not listed on tonight's agenda, Mayor Flocke reminded that Council can hear citizen comments, but discussion is not allowed. He suggested that citizens delay comments on this topic until the upcoming public meeting in order to allow discourse with Council and staff. Councilmember Talcott advised that he would like to hear citizen comments at this time, since he will not be able to attend the public meeting, if held on November 29th.

Paradise Valley resident Sheila Wollam asked whether the November 29th public meeting could be rescheduled so that all Council members may be in attendance. She expressed concerns about any effluent being discharged into the Blanco River and felt that the entire community and City Council should be able to participate in public comments and discussion on this issue.

Dr. Deborah Koeck expressed her interest in the November 29th public meeting to be held on the subject of effluent discharge and was "more interested to hear that we haven't had a public meeting on the other aspects of the Municipal Management District (MMD)."

Debby Spears expressed concerns about proposed effluent discharge on the Blanco River, which she stated is a "jewel draw" of visitors and revenue to the community. She implored Council to reconsider any proposal that would allow any effluent to discharge into the Blanco River, cautioned that the cheapest option usually results in higher future costs, and cited negative impacts to the City and property owners.

Wayne Kochenderfer of 710 Flite Acres asked if the City would be comfortable discharging effluent five hundred yards upstream of the Blue Hole. He suggested use of effluent for soccer field irrigation at Blue Hole Regional Park. Mayor Flocke advised that the City does plan to use effluent on the soccer fields and that effluent is currently being discharged into the Blanco River from other sources.

Tori Hill of 910 Flite Acres asked if “EPA and Fish & Wildlife” have been notified about this (possible future effluent discharge), because she could not believe that anybody would “dump into the beautiful Blanco.”

1. Consent Agenda

- A. Approval of the minutes of the Regular City Council meeting of November 1, 2012
- B. Approval of the September 2012 City of Wimberley Financial Statements

City Administrator Ferguson noted Council’s receipt of updates made to the September 2012 Financial Statements. Councilmember Talcott moved to approve both Consent Agenda items, as presented. Councilmember Thurber 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 reported on completion of primitive camping sites, installation of bench tops in the upper part of the Park, and an educational event held at the Park this past weekend. The Trust for Public Land will be forwarding a \$2,000 surplus to the City of Wimberley to be used toward Park educational programs.

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

City Administrator Ferguson reported that the City’s November check, representing September sales, totaled \$71,925, up five percent (5%) from the same period last year.

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

City Administrator Ferguson reported that levels remain within permit limits. He reported on November’s water quality test results, including one test taken at the Square just south of the Cypress Creek Bridge, which was well above what is considered acceptable for recreational limits. He noted that a retest was conducted, which resulted in a lower number, but was still well above the limit for recreational exposure. Discussion established that the extremely high reading initially taken at the subject location was not an anomaly.

- Status report on the City of Wimberley Sign Ordinance Review Task Force

City Administrator Ferguson reported that the group is making progress in its review and anticipated a recommendation to Council by the end of this year.

- Status report on the review of the City of Wimberley Subdivision Ordinance

City Administrator Ferguson reported that the Planning and Zoning Commission has finished its review of the administrative sections of the Subdivision Ordinance and is beginning review of design standards.

- Status report on preparations for the 2012 Wimberley Christmas celebration

City Administrator Ferguson reported on plans for acquisition and placement of the City Christmas tree.

- Status report on the update of the Hays County Transportation Plan

City Administrator Ferguson reported on Hays County’s public meeting schedule, which he advised might be extended by Hays County to allow for additional public hearings. Councilmember Talcott advised that Flite Acres residents will be submitting a petition to Hays County officials in favor of removing Flite Acres modernization from the revised Plan.

3. Public Hearing and Possible Action

- A. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas, amending Section 155 (zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for property located at 101 Sunrise Circle, Wimberley, Hays County, Texas, designating such property from Single Family Residential 3 (R-3) to Single Family Residential 2 (R-2); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*Kenneth & Lu Russo Ellis, Applicants*)

City Administrator Ferguson reviewed the subject property’s location, existing/proposed zoning and uses, and pending Amending Plat (see Agenda Item 3B). In the Amending Plat, two .25 acre lots are being combined to create one .50 acre lot. The resulting lot must be rezoned due to its size. The applicant is consolidating the lots to accommodate plans to expand an existing single family residence on the subject property. No comments were received on the requested zoning change. City staff concurred with the Planning and Zoning Commission’s unanimous recommendation on November 8th to approve the requested rezoning.

Mayor Flocke opened the public hearing. Hearing no comments, Mayor Flocke closed the public hearing.

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

- B. Hold a public hearing and consider approval of an application for an Amending Plat of Lots 39 and 40, Paradise Hills, Section 2, located in Wimberley, Hays County, Texas, along with variance requests relating to the City's lot depth to width ratio requirements and the minimum lot size requirements for lots to be served by on-site septic facilities (OSSF). (*Kenneth & Lu Russo Ellis, Applicants*)

City Administrator Ferguson explained the proposed Amending Plat to combine Lots 39 and 40, both .25 acres in size, to create Lot 39A, a .50 acre lot. Water/wastewater service is provided by Wimberley Water Supply Corporation and an existing on-site septic facility (OSSF), respectively. He noted that the applicant is seeking variances to the City's Code relating to minimum average depth to average width ratio requirements and minimum lot size requirements for lots served by an OSSF. City staff concurred with the Planning and Zoning Commission's unanimous recommendation on November 8th to approve the Amending Plat, along with the requested variances, as presented.

Mayor Flocke opened the public hearing. Hearing no comments, Mayor Flocke closed the public hearing.

Councilmember McCullough moved to approve the requested Amending Plat and associated variances, as presented. Councilmember Talcott 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 recused himself from the meeting at this time due to a possible conflict of interest.

Mayor Pro-tem White assumed duties as Presiding Officer.

Discuss and consider possible action relating to the validation of the signatures presented to the City of Wimberley by the Wimberley Central Improvement Association (WCIA) from property owners in support of the creation of a Municipal Management District. (*Place One Councilmember Tom Talcott*)

Councilmember Talcott reported that eighteen (18) signed letters have been validated to date, with the assistance of City Administrator Ferguson. Councilmember Talcott noted that that the fifty percent (50%) threshold of number of property owners in support has been met, although he counted fifty-nine (59), not sixty-three (63) signatures of support, as previously reported by WCIA. Referring to an anonymous letter forwarded to Council at its meeting on November 1st by Dr. Deborah Koeck, Councilmember Talcott stated that validation efforts did not give any indication of who might have sent said letter. Councilmember Talcott advised that efforts will continue to complete the process of signature validation.

Mayor Pro-tem White opened public comments.

Dr. Deborah Koeck thanked Councilmember Talcott on his ongoing validation efforts and stated that the previously referenced letter was forwarded to Council anonymously because the author

of the letter alleged harassment and feared further harassment. Councilmember Talcott stated that whoever wrote said letter may not have been one of those eighteen (18) property owners contacted on November 13, 2012.

No further public comments were heard. No action was taken.

Mayor Flocke rejoined the meeting at this time and assumed duties as presiding officer.

5. Discussion and Possible Action

- A. Discuss and consider possible action on plans for the 2012 *Winter's Eve – A Christmas Festival* on Saturday, December 8, 2012. *(City Administrator)*

City Administrator Ferguson provided event details, including date/time, street closure, vehicle access, and activities. He noted that on-site security and insurance (with the City named on the policy) will be provided by event organizers and recommended approval.

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

- B. Discuss and consider possible action regarding a proposal to acquire and locate an electronic community message board at the Wimberley Community Center. *(City Administrator)*

City Administrator Ferguson recommended continuance of this item until Council's meeting on December 6, 2012, in order for all Council members to be in attendance.

Councilmember Talcott moved to approve continuance of this item until Council's meeting on December 6, 2012. Councilmember Thurber seconded. Motion carried on a vote of 4-0.

Councilmember White commented that he would not support the type of sign proposed unless such sign is in compliance with the City's Sign Ordinance.

- C. Discuss and consider possible action regarding recommendations relating to the proposed Hays County Transportation Master Plan. *(Mayor Bob Flocke)*

City Administrator Ferguson highlighted the proposed Plan, particularly components of the Plan affecting Wimberley. He displayed Hays County's Draft Map dated November 8, 2012 and detailed specific routes/connectors and parkway(s). City Administrator Ferguson stated that certain clarifications regarding specific Plan elements were needed, including four- versus six-lane parkway designs. He stressed that the Plan, if adopted, will be used to guide the long-term transportation future of Hays County, provide for future growth, and preserve right-of-way for future transportation facilities. Discussion addressed Wimberley as a "destination," rather than a "pass-through" to other communities. City Administrator Ferguson advised that the Transportation Advisory Board (TAB) has made a recommendation to Council to approve the

revised Plan provided there is the addition of a legend to the Hays County Plan map and that the City advocates for a four-lane Ranch Road 12 parkway design (as opposed to six lanes).

Council discussed the parkway concept with medians, four- versus six-lane parkway design, population/traffic volume projections, and Wimberley as a “destination.”

The following public comments were made on the proposed Plan:

Wimberley resident David Wilson did not favor a six-lane parkway concept for Ranch Road 12 from San Marcos to Wimberley.

Wimberley RV Park Manager Bill Wilson expressed concerns about possible increased traffic on FM 3237 and favored reducing the existing 45 mile per hour speed limit to 25 miles per hour on FM 3237 from Flite Acres Road to Ranch Road 12. Discussion addressed TxDOT procedures and policies for setting speed limits.

Wimberley resident Wayne Kochenderfer suggested changing the existing blinking signal at the intersection of Flite Acres and FM 3237 into a full stop light as a way to reduce the rate of speed.

Wimberley View editor Charles McClure asked about the City’s plans to make changes to Emergency Lane that might better facilitate 18-wheelers turning onto FM 2325.

Discussion agreed on clarification of “NF-16” (as listed on the Hays County Plan’s draft map), removal of Flite Acres Road upgrades, and promotion of the Ranch Road 12 parkway design depicting four lanes (rather than six lanes).

Councilmember Talcott moved to recommend approval of the Plan, with the following conditions: “NF 16” would be used as an “emergency only” route, Ranch Road 12 parkway would be limited to four lanes, and removal of Flite Acres Road upgrades from the Plan. Councilmember White seconded. Motion carried on a vote of 4-0.

After the vote, discussion continued on the Flite Acres to FM 3237 collector shown in the City’s Transportation Master Plan, right-of-way acquisition, and inquiries on the FM 32 parkway design from the Junction toward Blanco, which is not clearly labeled on the Plan’s map.

Mayor Flocke suggested another motion could be made to clarify Council’s position favoring the FM 32 four-lane parkway (versus six lanes) design.

Councilmember Talcott moved to recommend approval of the FM 32 parkway as a four-lane design. Councilmember Thurber seconded. Motion carried on a vote of 4-0.

- D. 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*)

Mayor Flocke opened public comments.

Gail Pigg of 2214 Flite Acres felt that the agenda wording for this item should state “ad valorem taxation” instead of “alternative sources of funding” for funding of road improvements. She expressed concerns over the cost of road maintenance and felt that the City’s recent \$100,000 annual commitment toward central Wimberley wastewater service was not vetted and could be better spent on roads. She also felt that the electronic sign referenced earlier in tonight’s agenda (see Agenda Item 5B) was not properly discussed as part of the budget process. She suggested deannexation of some of the City’s roads as a possible solution to the City’s lack of funding for road projects and questioned whether the City met the population requirements for its incorporation. Ms. Pigg stated that she has a confidence issue with Council and cited reasons for her lack of trust, including actions related to Las Flores neighborhood traffic and Mill Race Lane improvements. She did not favor ad valorem taxation.

Mayor Flocke explained that as a General Law Type A municipality the City cannot deannex property without meeting specific petition/election requirements. Referencing Ms. Pigg’s comments about this agenda item’s wording, Mayor Flocke hoped that other sources of revenue could be explored besides ad valorem taxation. He noted that the costs for the electronic sign will be reimbursed by Pedernales Electric Cooperative.

City Administrator Ferguson presented information on projected annual revenues from ad valorem taxes based on an estimated total net taxable assessed value at different tax rates. He compared the tax rates of various area taxing entities, including Wimberley Independent School District and surrounding cities. As examples, he provided estimates of the impact of an ad valorem tax at various tax rates on a home valued at \$250,000 as follows:

- 10-cent per \$100 valuation = \$250 in taxes per year
- 12-cent per \$100 valuation = \$300 in taxes per year
- 15-cent per \$100 valuation = \$375 in taxes per year

City Administrator Ferguson acknowledged that there are variables to be considered such as different types of exemptions that homeowners may claim to reduce the amount of taxes paid. He stated that enough revenue could be generated to service the debt on issuance of general obligation bonds, which would require voter approval. Statutory requirements and procedures for adoption of an ordinance levying a tax rate were discussed. Discussion addressed laws concerning truth in taxation, calculation of effective/rollback tax rates, costs for street and drainage improvements, concerns related to setting the initial tax rate, and the need for voter approval.

Charles Lancaster commented on the issue of ad valorem taxation. He stated that surrounding cities started with low tax rates and increased those rates over the years. He felt that the City should not consider a 10- or 12-cent tax rate “just to be like everyone else.”

Mayor Flocke noted that voters will set the rate when voting on the bond issue. City Administrator Ferguson explained that there needs to be some flexibility to accommodate for effective tax rate calculation. Councilmember White expressed concerns regarding setting of the

initial tax rate and possible future Council actions. No further comments were heard and no action was taken.

6. City Council Reports

- Announcements
- Future Agenda Items

Councilmember Talcott requested rescheduling the November 29th public meeting so that he can be in attendance. Clarification was provided on the subject matter of the public meeting.

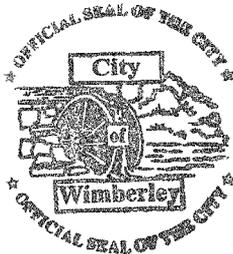
Hearing no further announcements or future agenda items, Mayor Flocke called the meeting adjourned.

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

Recorded by:

Cara McPartland
Cara McPartland

These minutes approved on the 6th of December, 2012.



APPROVED:

Bob Flocke

Bob Flocke, Mayor