

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
March 1, 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, Matt Meeks, Steve Thurber, and John White.

Staff Present: City Administrator Don Ferguson

Proclamation

Proclamation recognizing the month of April 2012 as Child Abuse Awareness Month in Wimberley, Texas

This item is continued until Council's meeting on April 5, 2012.

Citizens Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of the minutes of the Regular City Council meeting of February 16, 2012
- B. Approval of the minutes of the Special City Council meeting of February 16, 2012
- C. Approval of the minutes of the Special City Council meeting of February 28, 2012

City Administrator Ferguson advised that consideration of Consent Agenda Item 1C will be continued until Council's next meeting on March 15, 2012. Councilmember Thurber moved to approve Consent Agenda Items 1A and 1B, as presented. Councilmember Talcott seconded. Motion carried on a vote of 5-0.

2. City Administrator Report

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

City Administrator Ferguson reported on nearly completed Phase II construction, including work on basketball courts, detention ponds, and playground/pavilion areas. Plans are underway for a

public opening event for the upper part of the Park in early May 2012. He reported that recent rains have proved to be beneficial for Park vegetation.

- Status report on the submission of the pre-application to the Texas Water Development Board for funding the development of a wastewater treatment system to service the area of the Wimberley Square

City Administrator Ferguson noted that the pre-application was submitted to the Texas Water Development Board (TWDB) yesterday afternoon, along with the updated Preliminary Engineering Report completed by Alan Plummer Associates. Efforts are ongoing to identify subject properties and retain the services of a financial consultant. He anticipated that TWDB will decide late this year whether or not to invite the City to submit an application for full funding.

- Status report on the Texas Water Development Board's consideration of the Desired Future Condition for the Trinity Aquifer established by Groundwater Management Area 9

As requested by City Administrator Ferguson, Councilmember Thurber provided an update on the TWDB meeting held this morning. He advised that the City's resolution encouraging the creation of a Specific Groundwater Management Area (SGMA) for Jacobs Well was well-received by the TWDB. He noted that Hays County Precinct 3 Commissioner Will Conley, Hays Trinity Groundwater Conservation District (HTGCD) representatives, and several others also expressed support.

- Status report on the employment of a city marshal

City Administrator Ferguson reported that interviews are scheduled for Thursday, March 8, 2012. Due to concerns raised by applicants over the lack of benefits, he advised that Council may wish to revisit the issue of providing an employee health insurance package.

- Status report on the FM 3237 Safety Improvement Project

City Administrator Ferguson reported that the flashing signal lights are in place at the intersection of Flite Acres and FM 3237 and expected them to be operational within the next two weeks.

- Status report on the Las Flores Traffic Project

City Administrator Ferguson reported that engineering meetings are scheduled for tomorrow and anticipated the re-opening of Las Flores Drive within the next ten days. Full redesign will occur later in the year subject to available funding.

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

City Administrator Ferguson reported on continuing efforts to work with Deer Creek Nursing Center on high water usage/flows.

3. Public Hearing and Possible Action

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 3.04 acres of property located at 558 Flite Acres, Wimberley, Hays County, Texas, designating such property from Single Family Residential 2 (R-2) to Rural Residential 1 (R-1); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*Gary & Martha Barchfeld, Applicants*)

City Administrator Ferguson reviewed the subject property's location, planning area, overlay district (Protected Water Overlay), and current/proposed zoning and uses. The requested zoning change is being made in conjunction with the proposed replat of Lots 10 (1.532 acres) and 11 (1.507 acres) of the Keller Estates Subdivision, which dissolves the center line and combines the two lots to form one 3.04 acre tract, making it necessary to change the zoning to Rural Residential 1 (R-1). He noted that the plat approval is being handled administratively. Though some phone inquiries were received, no comments, either for or against, were received on the requested zoning change. He advised that on February 23, 2012, the Planning and Zoning Commission voted unanimously to recommend approval.

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 5-0.

4. Ordinances

- A. Consider approval of the second and final reading of an ordinance amending Ordinance No. 2007-003 in order to require the payment of professional fees incrementally throughout a development application process; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*Code Review Task Force*)

City Administrator Ferguson recommended approval of the second and final reading of the proposed ordinance to help ensure complete payment of all professional fees incurred by the City, as well as to avoid the burden on the applicant to pay a lump sum upon approval of a subdivision.

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

- B. Consider approval of an ordinance of the City of Wimberley, Texas, zoning for traffic and rate of speed therein, on RM 3237 in the city limits of the City of Wimberley defining speeding and fixing a penalty therefore; declaring what may be a sufficient complaint in prosecutions hereunder; with a savings clause repealing conflicting laws and declaring an emergency. (*City Administrator*)

City Administrator Ferguson explained the Texas Department of Transportation's (TxDOT) reasoning for reducing the speed limit to 45 miles per hour on RM 3237 from RM 12 (Ranch Road 12) to the Wimberley city limits sign, based on completed speed studies.

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

- C. Consider approval of an ordinance of the City of Wimberley, Texas, zoning for traffic and rate of speed therein, on RM 12 in the city limits of the City of Wimberley defining speeding and fixing a penalty therefore; declaring what may be a sufficient complaint in prosecutions hereunder; with a savings clause repealing conflicting laws and declaring an emergency. (*City Administrator*)

City Administrator Ferguson explained the proposed ordinance setting the following maximum speeds on RM 12 (Ranch Road 12), based on completed speed studies:

- 45 miles per hour from the north most city limit to Palos Verdes Drive
- 35 miles per hour from Palos Verdes Drive to Old Kyle Road
- 35 miles per hour from Old Kyle Road to Oldham Street
- 45 miles per hour from Oldham Street to FM 3237
- 55 miles per hour from RM 3237 to the south most city limit
- 20 miles per hour school zone on RM 12 (Ranch Road 12) from Palos Verdes Drive to Emergency Lane, as Wimberley ISD maintains a limited student population at the Bowen school campus

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

5. Discussion and Possible Action

- A. Discuss and consider possible action regarding the enhanced water restrictions adopted by the Wimberley City Council on October 20, 2011. (*City Administrator*)

City Administrator Ferguson provided information on Council's prior reviews and actions and stated that Wimberley Water Supply Corporation (WWSC) has eased its outdoor water restrictions from Stage 3 to Stage 2. Despite moderation of drought conditions due to recent rainfall, he cautioned that conditions could worsen as the multi-year drought wears on.

Discussion addressed San Antonio's removal of water restrictions, concerns regarding climate projections, and the effect of recent rains on aquifer levels.

Councilmember Talcott moved to approve easing water restrictions in accordance with WWSC's Stage 2 water restrictions and to revisit this issue in sixty (60) days. Councilmember White seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action regarding the prohibition on the issuance of building permits for new swimming pools, due to the drought conditions, adopted by City Council on October 6, 2011. (*City Administrator*)

City Administrator Ferguson reviewed Council's prior actions and noted that WWSC is still not allowing the filling of new or existing pools with WWSC water. Discussion addressed public inquiries on the prohibition, its impact on applicants, and the filling of pools versus hot tubs/spas. City Administrator Ferguson clarified that the current prohibition is applicable, regardless of the water provider (public or private well). Discussion included:

- Whether the prohibition should apply to spas/hot tubs, as well as pools
- Filling of pools/spas from private wells versus public water providers
- Option for property owners to pay for water to be trucked in to fill pools
- Concerns relating to excessive regulations (or "over reaching")

Wimberley resident Glenn Baldwin spoke of a recent Texas Supreme Court decision regarding property owners' water rights and questioned Council's legal right to prohibit issuance of swimming pool permits.

Councilmember McCullough favored rescinding the prohibition on issuance of building permits for new swimming pools, if the applicant can demonstrate that he has his own private well.

Councilmember Talcott moved to not prohibit the issuance of building permits for swimming pools due to drought conditions, provided the property owner can demonstrate the water used for filling the pool comes from his private well, and not from WWSC. Councilmember White seconded. Councilmember Talcott favored public education on water conservation in order to discourage excessive pumping from private wells, but did not feel that restrictions on private well owners were appropriate.

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

- C. Discuss and consider possible action regarding the proposed sponsorship of the Blue Hole Concert Series by *Dripping Springs Vodka*. (*City Administrator*)

City Administrator Ferguson stated that *Dripping Springs Vodka* will underwrite all entertainment costs associated with the event in return for recognition through various means of promotion. Information was provided on dates/times, admission (free to the public), and event activities. He noted that all Park rules will apply to the concert series, including the prohibition on alcohol, glass containers, smoking, and dogs.

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

- D. Discuss and consider possible action regarding the plans for Arts Fest 2012 scheduled for Saturday, April 28, 2012. (*City Administrator*)

City Administrator Ferguson recommended approval of event plans and provided details on traffic restrictions, vehicle access, on-site security, insurance, and business owner notification. Event organizers spoke on comprehensive planning efforts to make this annual cultural arts event a continuing success benefitting the entire community.

Councilmember Thurber moved to approve the item, as presented. Councilmember Meeks seconded. Discussion addressed provision of restroom facilities. Motion carried on a vote of 5-0.

- E. Discuss and consider possible action relating to the annual performance review of the city administrator. (*Mayor Bob Flocke*)

Mayor Flocke adjourned Open Session and convened Executive Session at 6:56 p.m. pursuant to §551.074 of the Texas Government Code for discussion of personnel matters.

Mayor Flocke adjourned Executive Session and reconvened Open Session at 7:44 p.m.

No action was taken in Executive Session.

No action was taken in Open Session.

Addendum to the Regular Agenda

- F. Discuss and consider possible action regarding Change Orders No. 8-R1 (*Biofiltration Ponds*), No. 25 (*Tennis Court Construction*), No. 26 (*Tennis Court Storage Building*) and No. 28 (*Landscaping*) relating to the development of the Blue Hole Regional Park. (*City Administrator*)

This item will be continued until Council's next meeting on March 15, 2012.

6. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember Talcott requested discussion of the building permit process.

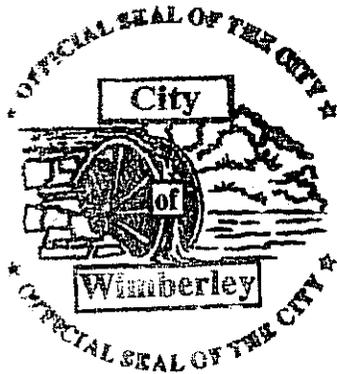
Hearing no announcements or future agenda items, Mayor Flocke called the meeting adjourned.

Adjournment: Council meeting adjourned at 7:46 p.m.

Recorded by:

Cara McPartland
Cara McPartland

These minutes approved on the 15th of March, 2012.



APPROVED:

Bob Flocke

Bob Flocke, Mayor