

**City of Wimberley**  
City Hall  
221 Stillwater  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
March 5, 2015 at 6:00 p.m.

City Council meeting called to order at 6:01 p.m. by Mayor Steve Thurber.

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

Councilmembers Present: Mayor Steve Thurber, Councilmembers Tom Talcott, Matt Meeks, Pam Showalter, and John White. Councilmember Cindy Anderson was absent.

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

### **Citizens Communications**

No citizen comments were heard.

#### **1. Consent Agenda**

- A. Approval of minutes of the Regular City Council meeting of February 19, 2015
- B. Approval of minutes of the Special City Council meeting of February 19, 2015

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

#### **2. City Administrator Report**

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson reported that the Texas Commission on Environmental Quality (TCEQ) public meeting is scheduled for Thursday, March 12, 2015 at 7 p.m. at the Wimberley Community Center. He highlighted the format for the meeting and encouraged public attendance. He advised several public comments on the draft permit have been filed and posted on TCEQ's website, some of which have requested that a contested case hearing be held. Texas Parks and Wildlife Department has notified the City that it will be required to go through a conversion/dedication process, due to relocation of the plant from its current site just outside the Blue Hole Regional Park to the proposed site on the northeast corner of the Park.

- Status report on the Cypress Creek gravel removal project

City Administrator Ferguson reported that Myers Concrete Construction spent two days this week removing approximately ninety-eight yards of material behind the low water dam just up

from the confluence of the Blanco River and Cypress Creek. He stated that the next area slated for removal is the Rio Bonito “point” area, anticipated costs to be less than estimated, and thanked the Meeks and Way families for their assistance.

In response to Councilmember Talcott’s inquiries about street improvements, City Administrator Ferguson replied that work is scheduled to begin in April 2015 and named specific roadways to be improved.

- Status report on the FM 3237/Ranch Road 12 Intersection Improvement Project

City Administrator Ferguson reported that Hays County is in the process of executing a contract for the Project’s design with a Houston engineering firm and stated the scope of the Project includes development of a continuous turn lane on northbound Ranch Road 12 onto FM 3237, as well as some sidewalks.

In addition, City Administrator Ferguson reported that Blue Hole Regional Park has been selected to receive the 2015 Project Excellence Award by the Society of Outdoor Recreation Professionals and noted an awards ceremony is scheduled for April in Annapolis.

City Administrator Ferguson also advised that a report of an attempted kidnapping at the Wimberley Dollar General store is being investigated by the Hays County Sheriff’s Office.

Mayor Thurber encouraged attendance at TCEQ’s public meeting to be held Thursday, March 12, 2015 at 7 p.m. at the Wimberley Community Center.

### **3. Presentation**

Presentation of a briefing by Place One City Councilmember Tom Talcott relating to the newly formed *Blanco River-Cypress Creek Water Association*. (Mayor Steve Thurber)

Mayor Thurber pulled Agenda Items 3, 6A, and 6B at this time.

### **4. Resolution**

Consider approval of a resolution of the City of Wimberley, Texas, authorizing the City of Wimberley, Texas, to support the Guadalupe-Blanco River Authority application for flood protection planning grant assistance filed with the Texas Water Development Board. (City Administrator)

City Administrator Ferguson reviewed the timeframe for the three-phase *Comprehensive Flood Planning and Protection Study for the Lower Guadalupe River Basin* (the Study). He outlined the scope of work in Phase 3, which would complete the analysis by evaluating Wilson Creek, Lone Man Creek, Smith Creek, Pierce Creek, Spoke Pile Creek and other unnamed tributaries. The analysis would include delineating the floodplains using the latest survey information, performing a flood damage assessment, and evaluating structural and non-structural alternatives to mitigate area flooding risks.

City Administrator Ferguson provided details on cost-sharing and benefits of stream data in reducing flood risks. He emphasized that approval of the resolution does not obligate City funds. If Phase 3 grant funding is approved, he noted that GBRA will seek to enter into an Interlocal Agreement with the City to obligate and secure the local cost share for the project, which is projected to total \$26,300 and could be paid out over Fiscal Years 2016 and 2017.

In response to Councilmember Talcott's inquiry about inclusion of runoff data, City Administrator Ferguson replied that such data is not part of this Study; however, Council will be considering a Request for Proposals (RFP) for a drainage study at its next meeting.

Councilmember Showalter moved to approve the resolution, as presented. Councilmember Talcott seconded. Motion carried on a vote of 4-0.

## **5. Ordinance**

Consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas, amending Title VII (Traffic Regulations) of the City of Wimberley Code of Ordinances to add a new Chapter 72 relating to the use of a portable electronic device while operating a vehicle; and providing for the following: findings of fact, savings, severability, repealer, effective date, and proper notice and meeting. (*City Administrator*)

City Administrator Ferguson reviewed the proposed "hands-free" ordinance prohibiting the operator of a vehicle, which includes cars and cyclists, on a public street or highway from using a portable electronic device while the vehicle is in motion. Types of prohibited portable electronic devices and affirmative defenses to prosecution were listed.

Mayor Thurber stated that Council may include a policy to implement a grace period for enforcement of the ordinance in its motion to approve, if desired.

Discussion addressed length of grace period, need to inform the public of the new ordinance, types of public notification, signage, and grace periods implemented in surrounding jurisdictions that adopted similar legislation.

Councilmember White moved to approve the ordinance, as presented, including implementation of a grace period for enforcement that will end on June 1, 2015. Councilmember Talcott seconded. Motion carried on a vote of 4-0.

## **6. Discussion and Possible Action**

- A. Discuss and consider possible action on issues relating to the presentation by Place One Councilmember Tom Talcott regarding the newly formed *Blanco River-Cypress Creek Water Association*. (*Mayor Steve Thurber*)

*See Agenda Item 3.*

- B. Discuss and consider possible action regarding the future response of the City of Wimberley to the plans of Electro Purification to drill wells and export 5.3 million gallons of groundwater each day from the Middle Trinity Aquifer, northeast of Wimberley, in Hays County. (*Place One Councilmember Tom Talcott*)

*See Agenda Item 3.*

- C. Discuss and consider possible action regarding a proposed development of additional water conservation regulations for the City of Wimberley. (*Mayor Steve Thurber*)

Mayor Thurber requested input from Council and the public on additional ways to conserve water and encourage conservation efforts.

Discussion addressed rainwater collection/harvesting and incentives, need for conservation education; discouraging use of aquifer water to fill swimming pools; specific conservation measures such as xeriscaping and low-flow appliances; legislative reform of regulations related to use of gray water and rainwater; survey of other cities' conservation efforts; review of City ordinances by the City's Building Code Board of Review for possible updates; deed restrictions that prohibit rainwater collection due to aesthetic concerns; and focus on new development versus retrofitting existing developments.

Mayor Thurber advised that he will continue working with City Administrator Ferguson on this issue and requested that Council forward their comments for consideration. No vote was taken.

- D. Discuss and consider possible action regarding a request from *Wimberley Lodge 1445 A.F. & A.M.* to place signage in the public right-of-way relating to the organization's upcoming Community Pancake Breakfast on Sunday, April 5, 2015. (*City Administrator*)

City Administrator Ferguson recommended approval of the request submitted by Wimberley Lodge 1445 A.F. & A.M. to place small signs at certain intersections to help inform and direct individuals to the annual Community Pancake Breakfast that will take place at the Community Center on Sunday, April 5, 2015. Brief discussion addressed the length of time the signs would remain in place.

Councilmember Meeks moved to approve the request, as presented. Councilmember Talcott seconded. Motion carried on a vote of 4-0.

## **7. City Council Reports**

- Announcements
- Future Agenda Items

Mayor Thurber announced that the City's recently purchased boot (as part of the *Wimberley Bootiful* campaign) is arriving tomorrow and that he will be consulting with the artist commissioned for the project.

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

**Adjournment:** Council meeting adjourned at 7:01 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 19<sup>th</sup> of March, 2015.

**APPROVED:**

  
Steve Thurber, Mayor