

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

Staff Present: City Administrator Don Ferguson

### **Citizens Communications**

No citizen comments were heard.

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

- A. Approval of the minutes of the Regular City Council meeting of March 1, 2012
- B. Approval of the minutes of the Special City Council meeting of March 1, 2012
- C. Approval of the minutes of the Special City Council meeting of February 28, 2012
- D. Approval of the February 2012 City of Wimberley Financial Statements

Councilmember Thurber moved to approve all Consent Agenda items, 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.

- Status report on the employment of a city marshal

City Administrator Ferguson reported on recent interviews held on March 8, 2012.

- Status report on preparations for the May 12<sup>th</sup> City Election

City Administrator Ferguson reported results of the drawing for position of candidates' names on the ballot, as well as voting/early voting dates/times and polling location.

- Status report on the Las Flores Traffic Project

City Administrator Ferguson reported the planned roadway improvements have been completed and new traffic control signage is in place.

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

City Administrator Ferguson reported no problems with plant operations.

- Status report on the preparation of the Fiscal Year 2013 City of Wimberley Operating Budget

City Administrator Ferguson reported the Budget Advisory Board will hold a series of public meetings in the coming weeks to gather input from citizens on the upcoming budget.

### **3. Ordinances**

- A. Consider approval of an ordinance of the City of Wimberley, Texas, rescinding Ordinance 2011-030, adopted on October 20, 2011, which amended Title V, Public Works, Chapter 51, Water Conservation of the Code of Ordinances in order to prohibit watering of lawns or landscaping and to impose other supplemental water restrictions in response to recent drought conditions; and providing findings of fact, a repealing clause, savings and severability clauses; and providing for a effective date. (*City Administrator*)

City Administrator Ferguson reviewed Council's past actions and highlighted the proposed ordinance drafted in accordance with Council's direction provided on March 1, 2012 to rescind previously imposed watering restrictions, since significant rainfall has been received in the last ninety (90) days.

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

- B. Consider approval of an ordinance of the City of Wimberley, Texas, amending Ordinance 2011-027, adopted on October 6, 2011, relating to the new construction of swimming pools to allow the issuance of building permits for the new construction of in-ground or above-ground swimming pools upon verification that such pools will not utilize water provided by the Wimberley Water Supply Corporation and upon compliance with all applicable City Codes and ordinances; and providing findings of fact, a repealing clause, savings and severability clauses; and providing for an effective date. (*City Administrator*)

City Administrator Ferguson reviewed Council's past actions on the pool permit prohibition and highlighted the proposed ordinance drafted in accordance with Council's direction on March 1,

2012 to allow the issuance of building permits for the construction of swimming pools, provided the pools are not being filled with water from the Wimberley Water Supply Corporation.

Councilmember Thurber presented information (handout attached to these minutes) to illustrate his point that regardless of whether the water comes from a private well or a provider such as Wimberley Water Supply Corporation (WWSC), the source of the water is the Trinity Aquifer. Consequently, Councilmember Thurber reasoned that it did not make sense to prohibit the issuance of permits for pools to be filled WWSC, while allowing permits to be issued for pools filled with private well water or water trucked in by an outside water provider.

Discussion addressed improved local water conditions, desire to not further delay issuance of pool permits, and rationale for the proposed ordinance's consistency with WWSC's requirements.

Councilmember Talcott moved to approve the item, as presented. Councilmember White seconded. Motion carried on a vote of 4-1. Councilmember Thurber voted against.

#### **4. Discussion and Possible Action**

- A. Discuss and consider action regarding the proposed development of recommended design standards for future road and highway designs in Wimberley and the surrounding area. (*Transportation Advisory Board*)

City Administrator Ferguson presented the list of design standards, as recommended by the Wimberley Transportation Advisory Board (TAB), to help ensure that future highway and road construction in the Wimberley area is consistent with the small town, Hill Country character of the community. He noted that TAB members are asking that City Council adopt the following list of design standards and present them to the Hays County Transportation Master Plan Committee for possible inclusion in the updated Hays County Transportation Master Plan:

##### Future Wimberley Area Road and Highway Development Design Standards

1. Acknowledge and preserve the beauty of the countryside along all routes whenever and wherever possible.
2. Configure all designs as continuous divided parkways, with vegetated medians everywhere, except where constrained at City entrances.
3. Favor sweeping curves rather than straight-aways whenever possible.
4. Include frequent wider median segments to allow trees or natural terrain features to be preserved between the roadways.
5. Offset roadbed elevations from time to time to add interest and/or to acknowledge natural terrain-slopes.
6. Install intermittent scenic overlooks or viewing areas in appropriate locations.
7. Use only pavement materials that produce minimum wheel noise to respect the serenity of the countryside.
8. Provide hike and bike trails wherever appropriate.
9. Provide shoulders adequate for safe pull-off and biking.

10. Engage and communicate with the public. Schedule frequent local meetings during the planning process, seeking and acknowledging citizen input and commentary.

Mayor Flocke favored the proposed design standards for future road and highway development. TAB representative Bob Bullock stated the importance of maintaining the character of the community in future area roadway designs.

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

- B. Discuss and consider action regarding the proposed creation of a citizen task force to review the City Sign Ordinance. (*Mayor Bob Flocke*)

City Administrator Ferguson stated that the Mayor's proposal calls for a seven-member task force, appointed by City Council, to conduct a sixty (60) day review of the City's Sign Ordinance. If task force creation is approved, Council members will be asked to name individual appointments at Council's April 5, 2012 meeting, with the seventh member to be appointed by consensus.

Discussion included the feasibility of utilizing the Code Review Task Force to review the Sign Ordinance, reasoning for membership/residency requirements, and the need for representation of business owners who are directly affected by the Sign Ordinance. Discussion also addressed specific membership requirements, including residency and ownership of a local business within the city limits. As proposed, the task force would have sixty (60) days to complete its review and would be provided with copies of the City's Comprehensive Plan, the original/current Sign Ordinance, and the draft ordinance prepared by City staff.

Councilmember McCullough moved to approve creation of a citizen task force to review the City Sign Ordinance, requiring that task force members own and/or operate a business and reside within the city limits. Councilmember Thurber seconded.

After discussion, Councilmember Talcott offered a friendly amendment to the motion as follows: Members shall own and/or operate a business within the city limits or the extra territorial jurisdiction (ETJ). Councilmember McCullough accepted Councilmember Talcott's friendly amendment to his original motion. Councilmember Thurber seconded. Motion to accept the friendly amendment carried on a vote of 5-0.

Councilmember's McCullough's motion, as amended, carried on a vote of 5-0.

- C. Discuss and consider action on issues relating to the processes used by the City of Wimberley to issue permits for new construction and stop work orders on construction not properly permitted. (*Place One Councilmember Tom Talcott*)

Councilmember Talcott expressed concerns regarding contractors performing work without proper permits, even though contractors are aware that permitting is required. He felt that

affected property owners and the City are put in a difficult position by irresponsible contractors, particularly when the City must issue a stop work order for unpermitted projects.

Discussion on how to address this issue agreed that requiring City licensing of contractors would create an overly bureaucratic process.

Councilmember Talcott proposed that staff develop a program that would target repeat offenders. After discussion of various program options, Councilmember White moved to direct staff to develop a plan to address the issue of contractors who perform work without the proper permits. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- D. Discuss and consider possible action regarding the proposed establishment of a written evaluation form to be used in the annual performance review of the city administrator. *(Place One Councilmember Tom Talcott)*

Councilmember Talcott proposed use of a form for future reviews that would provide the city administrator with better direction regarding the thoughts and expectations of Council members. He favored adoption of a format used in an online form utilized by another city. City Administrator Ferguson supported the concept of a written evaluation form and after discussion, Councilmember Talcott moved to direct staff to prepare an evaluation form for use in future reviews, per his proposal. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider possible action regarding the Change Orders No. 8-R1 (*Biofiltration Ponds*), No. 20 (*Increased Material Cost for Park Paving*), 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)*

City Administrator Ferguson recommended approval of the following five (5) change orders representing material cost increases and changes in the scope of the park development project relating to irrigation, landscaping and development of the tennis courts:

- *Change Order No. 8-R1 Biofiltration Ponds (\$8,649.44)*  
This change order reflects the cost of spreading material that has been donated to line the biofiltration ponds located on the park site.
- *Change Order No. 20 Park Paving (\$10,852.50)*  
This change order reflects cost increases for asphalt and oil incurred as a result of the previous delay in the start of Phase II of the park project.
- *Change Order No. 25 Tennis Court Construction (-\$299,510.62)*  
This change order reflects the removal of the construction cost for the tennis courts from the project contract. Plans call for the courts to be constructed at a later date when funding is available.
- *Change Order No. 26 Tennis Court Storage Building (\$-22,313.48)*  
This change order reflects the removal of the construction cost for the tennis court storage building from the project contract. Plans call for the storage building to be constructed at a later date when funding is available.

- *Change Order No. 28 Landscaping (-\$162,783.43)*  
This change order reflects the removal of \$162,783.43 from the landscaping costs from the project contract due to the drought. The contract will still contain \$100,000 for landscaping for Phase II, which includes planting of the soccer fields.

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

## 5. City Council Reports

- Announcements
- Future Agenda Items

Keep Wimberley Beautiful representative Martha Knies responded to recent concerns about the removal of a portion of one of Wimberley's gateway signs and welcomed volunteers to provide labor and/or materials for replacement of the subject portion.

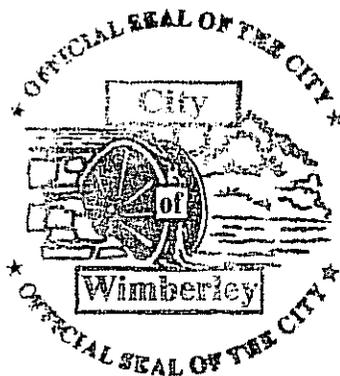
Hearing no further announcements or future agenda items, Mayor Flocke called the meeting adjourned.

**Adjournment:** Council meeting adjourned at 7:10 p.m.

Recorded by:

  
Cara McPartland

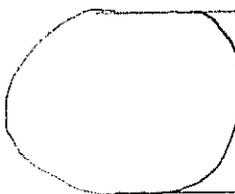
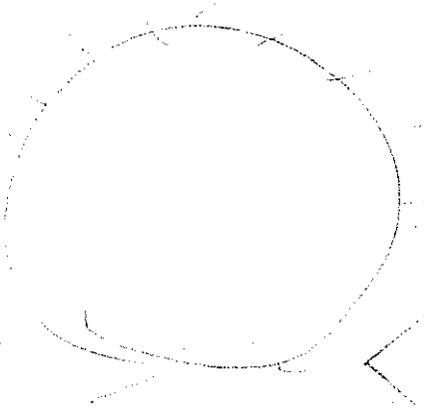
These minutes approved on the 5<sup>th</sup> of April, 2012.



**APPROVED:**



**Bob Flocke, Mayor**



WATER SUPPLY COMPANY

WELL

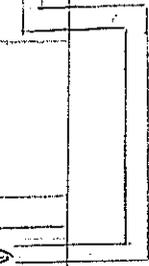
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