

**City of Wimberley**  
 City Hall  
 221 Stillwater  
 Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
 April 17, 2014 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, Councilmembers Tom Talcott, Mac McCullough, Matt Meeks, Steve Thurber, and John White.

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 April 3, 2014
- B. Approval of the March 2014 Financial Statements for the City of Wimberley

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

**2. City Administrator Report**

- Status report on the proposed development of a cell tower facility on the site of the Wimberley Post Office

City Administrator Ferguson reported on concerns expressed regarding the proposed tower's impact to area scenic vistas and encouraged attendance at a public meeting scheduled to be held by American Tower on April 22, 2014 from 6 to 8 p.m. at the Wimberley Community Center.

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

City Administrator Ferguson stated that the April sales tax check totaled approximately \$45,000, up thirteen percent (13%) from the same period last year, with the increase in part due to the reopening of Ace Hardware.

- Status report on regional water planning efforts

City Administrator Ferguson reported on joint meetings held among surrounding counties' officials to address regional water planning and possible upcoming meetings to decide how water resources should be allocated. He stressed the importance of Wimberley having a voice in such decisions and Mayor Flocke suggested Hays County Commissioners Court Judge Bert Cobb (or Hays County Commissioner Ray Whisenant) brief Council on regional water planning efforts.

- Status report on the development of a community outreach program to introduce and explain municipal government in the City of Wimberley

City Administrator Ferguson reported on efforts to develop an educational program on government services and anticipated holding quarterly class sessions.

- Status report on the May 10, 2014 City of Wimberley General and Special Elections

City Administrator Ferguson reported on voting/early voting dates/times at the Wimberley Community Center, an informational meeting on the Special Bond Election to be held Wednesday, April 23<sup>rd</sup> at the Community Center, and public notification procedures. He stressed that the purpose of the meeting is informational and not to advocate a position for or against the bond issue.

In addition, City Administrator Ferguson reported on recent water quality tests which reflected elevated bacteria levels, however, those levels were acceptable for recreational contact. He also reported on a recent meeting held to educate realtors/reservation agents/property owners on the City's ordinance regulating bed and breakfast/vacation rental facilities, the City's zoning requirements, development of online resources to facilitate compliance, and scheduling of future educational meetings.

City Administrator Ferguson provided details on the community-wide clean up scheduled for Saturday, April 19, 2014 from 9 a.m. to 2 p.m., including information on bulky waste drop-off.

He reminded that the Blue Hole Concert in the Park will be held Friday, April 18, 2014 from 6 p.m. to 8 p.m.

### **3. Public Hearing and Possible Action**

- A. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas, amending Ordinance No. 2013-008 designating geographic boundaries for a particular zoning district and classification for a particular tract located at 400 River Road, Wimberley, Hays County, Texas, designating such tract as a Wimberley Planned Development District (WPDD) with a base zoning district of Village Inn (VI); and providing for the following: findings of fact; severability; effective date and proper notice and meeting. (*Patricia Tang & Albert Valera, Applicants*)

City Administrator Ferguson stated that the applicants have been issued a Temporary Certificate of Occupancy (TCO) for the newly opened Hotel Flora & Fauna, but noted there are two (2) compliance issues to be resolved before the City can issue a Certificate of Occupancy (CO). He

advised that the applicants chose to install a stucco finish on the front wall and a gravel surface for the parking lot, instead of the stone veneer wall finish and decomposed granite parking surface specified in the WPDD agreement. In order to comply, the applicant submitted a request to amend the subject WPDD to reflect the stucco wall finish and gravel parking surface. City Administrator Ferguson stated that staff has no problem with the gravel parking surface, however, the stucco finish poses an aesthetic issue deviating from the original WPDD agreement, requiring Council approval. He advised that the Planning and Zoning Commission voted 4-1 on April 10<sup>th</sup> to recommend approval of the WPDD amendments. He noted that as a condition of the TCO, the applicant has agreed to comply with whatever Council decision is made on the requested WPDD amendments.

Mayor Flocke opened the public hearing.

Applicant Albert Valera spoke of the time and expense devoted to opening of the Hotel Flora & Fauna and events in the WPDD process that he felt may have contributed to the need for the WPDD amendments due to change in materials used in the finished development. He said many compliments have been received on the mural painted on the stucco wall depicting the “flora and fauna” of Wimberley. He highlighted the advantages of the gravel parking surface in terms of its adherence, pervious nature, and maintenance. He looked forward to being fully compliant with the WPDD agreement’s conditions, confirmed his commitment to be a good neighbor, and felt he has provided an asset to the City.

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

Councilmember McCullough moved to approve the item, as presented. Councilmember Talcott seconded.

Discussion addressed the subjective nature of aesthetic design elements, applicant’s decision to proceed with construction despite notification that materials used were not in compliance, applicant’s challenge to the position that he was deliberately non-compliant, zoning process, and administrative- versus Council-approved amendments for deviations from specified WPDD conditions.

Motion carried on a vote of 5-0.

- B. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas, to approve an application for a conditional use permit to allow for the operation of a vacation rental facility on property zoned Scenic Corridor (SC), located at 12500 Ranch Road 12, Wimberley, Hays County, Texas (*Michael & Meredith McClay, Applicants*)

City Administrator Ferguson recommended continuance of this item until May 15<sup>th</sup> in accordance with the applicants’ written request to delay consideration to allow the time needed to secure a permit for the newly installed septic system to serve the subject property.

Councilmember Thurber moved to approve continuance of this item until Council’s meeting on May 15, 2014. Councilmember White seconded. Motion carried on a vote of 5-0.

- C. Hold a public hearing and consider possible action regarding a recommendation from the City of Wimberley Planning and Zoning Commission relating to the meeting attendance and removal requirements for Commission members. (*Planning and Zoning Commission*)

City Administrator Ferguson presented the following unanimous recommendation resulting from the Planning and Zoning Commission meeting of April 10, 2014:

“The City Council may, by majority vote, remove a Commission member for lack of confidence, incompetence, corruption, misconduct or malfeasance. The Commission shall hold one (1) regular meeting per month on the second Thursday of the month. Any Commission member who misses five (5) regular meetings within a twelve (12) month time period shall be deemed to have automatically vacated his or her position on the Commission. When any Commission member has missed four (4) regular meetings in a twelve (12) month time period, the City Administrator shall notify the City Council, in writing, about the subject Commission member’s absences. Commission members shall not be penalized for missing special called meetings of the Commission. For the purpose of this policy, any Commission member who automatically vacates his or her position on the Commission may be considered for reappointment to the Commission or appointment to another City Board in the future by City Council.”

Mayor Flocke opened the public hearing.

Pam Showalter stated her position that five (5) meetings is too many to miss.

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

Discussion addressed the number of missed meetings allowed, the importance of the Planning and Zoning Commission as an appointed body, commitment of members to serve the public in a timely manner, counting absences from special meetings only when quorum requirements are not met, defining what constitutes an absence, requiring that Commission members remain present for the entire meeting, and dealing with tardiness.

Mayor Flocke summarized Council’s discussion and consensus on reducing the Commission’s recommended number of missed regular meetings to three (3) meetings (as opposed to five), with notification to Council to occur after missing two regular (2) meetings (as opposed to four); and, in the event of a special called meeting that could not be held due to lack of a quorum, absences will be counted for those members not in attendance. Brief discussion followed on possible use of video- and/or tele-conferencing as an option for members who would otherwise miss meetings.

Councilmember Thurber moved to direct staff to present a draft ordinance incorporating Council’s aforementioned consensus recommendations from tonight’s discussion for future consideration. Councilmember Meeks seconded. Motion carried on a vote of 5-0.

#### 4. Discussion and Possible Action

- A. Discuss and consider possible action regarding potential changes in the future operation and maintenance of the portion of Ranch Road 12 between the Blanco River and Cypress Creek within the City of Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson spoke on recent meetings with Texas Department of Transportation (TxDOT) representatives regarding the need to locate some of the collection lines for the City's future wastewater system under the pavement of Ranch Road 12. He advised that once those lines are installed, the City will be required to assume responsibility for maintenance of Ranch Road 12 between the Blanco River and Cypress Creek. As an alternative approach, TxDOT representatives suggested the possibility of abandoning the subject portion of Ranch Road 12 and making it a street owned and maintained by the City, which would allow the State to designate the abandoned portion of Ranch Road 12 as an alternate or business route and designate a new route for Ranch Road 12 to include a portion of FM 3237 and Winters Mill Parkway.

Discussion addressed the City's responsibility to maintain cuts for collection lines; advantages to the City of having ownership and control of the subject portion of Ranch Road 12; and possible condition to require the State complete an overlay on the subject roadway portion after sewer line cuts are made, but before abandonment occurs;

Councilmember Thurber moved to direct staff to continue discussions with TxDOT, Hays County, and City of Woodcreek representatives to explore potential changes in future operation and maintenance of the subject portion of Ranch Road 12. Councilmember White seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider the results of a recent comparative staffing survey relating to the City of Wimberley. (*Mayor Bob Flocke*)

Mayor Flocke presented the results of a personally conducted survey consisting of fifteen (15) similarly sized cities. He stated that only full-time employees were counted. If there is no corresponding department within the City of Wimberley's organizational structure (for example, utilities, Fire/EMS, etc.), Mayor Flocke noted that those employees were not counted for the purposes of this comparative survey. He provided the following results: average population of cities surveyed was 2,512; average number of city employees was 18 (7.2 employees per 1,000 citizens). Only one city surveyed had fewer employees than the City of Wimberley, which was Mustang Ridge with six (6) full-time employees, serving a population of 861. Discussion noted that all of the cities surveyed collect ad valorem taxes.

No action was taken.

- C. Discuss and consider possible action regarding the proposed route for the 2014 Wimberley Fourth of July Parade. (*City Administrator*)

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

**5. City Council Reports**

- Announcements
- Future Agenda Items

City Administrator Ferguson stated a meeting is scheduled with TxDOT’s director of oversize load permitting to discuss the issue of large vehicles/oversized loads moving through the City and associated problems.

Councilmember Thurber requested participation by Council and Council candidates in the Texas Municipal League’s upcoming parliamentary procedure webinar on April 30<sup>th</sup> from 1:30 – 2:30 p.m.

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

**Adjournment:** Council meeting adjourned at 7:13 p.m.

Recorded by:

*Cara McPartland*  
 Cara McPartland

These minutes approved on the 1<sup>st</sup> of May, 2014.



**APPROVED:**

*Bob Flocke*

**Bob Flocke, Mayor**