

**City of Wimberley**  
City Hall  
221 Stillwater  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
April 21, 2016 at 6:00 p.m.

City Council meeting called to order at 6:03 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 Cindy Anderson, Mac McCullough, Pam Showalter, and John White. Councilmember Bob Dussler was absent.

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

### **Citizens Communications**

Juniper Schneider spoke on continuing litigation involving Twin Mountain Manor, the importance of Twin Mountain Manor to the community, and the need for affordable options for low-income housing, particularly for senior citizens. He asked the City to write a letter to the Texas Attorney General stating in general terms that Twin Mountain Manor and low-income senior housing is important, as rentals have become scarcer and rental prices have gone up post-flood. Mayor Thurber noted that the City is not a party to the litigation referred to by Mr. Schneider.

Carol Scheel spoke of her experience advocating for senior citizens, lack of assistance from USDA, and need for services such as housing and transportation for seniors and those with disabilities. She asked citizens, City Council, and the city administrator to take action and get involved.

Rocky Springs Subdivision resident Sandy Wall expressed concerns regarding weekend rentals in his neighborhood and the recent granting of grandfathered status for a vacation rental received by a Rocky Springs property owner. He felt that such grandfathering rewards property owners who were not in compliance with City regulations and disagreed with types of documentation that may be used to prove grandfathered status.

### **1. Consent Agenda**

- A. Approval of minutes of the Regular City Council meeting of April 7, 2016
- B. Approval of minutes of the Special City Council meeting of April 11, 2016
- C. Approval of March 2016 Financial Statements for the City of Wimberley

Mayor Thurber pulled Consent Agenda Item 1C. Councilmember White moved to approve the remaining Consent Agenda items, as presented. Councilmember Anderson 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 City's loan application to the Texas Water Development Board (TWDB) for project construction was approved at the Board's April 11<sup>th</sup> meeting. He anticipated presentation of a detailed timeline for project deadlines and completion at Council's May 5<sup>th</sup> meeting. He noted the parkland conversion process is underway, including an appraisal scheduled for next week. To clarify confusion surrounding the issues of project-related debt and ad valorem taxation, City Administrator Ferguson explained the City was required to establish a debt service ad valorem tax for the TWDB loan secured by the City for planning and design of the wastewater system. He said State law requires the tax to expire once the loan is repaid. Ferguson added that while a debt service tax was established, the City has chosen not to levy the tax and instead use existing City revenues to make debt service payments.

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

City Administrator Ferguson reported that the City's April sales tax check, representing February collections, totaled \$58,422.00, up approximately thirty percent (30%) from the same period last year and running well ahead of budget.

- Status report on economic studies relating to the Blue Hole Regional Park and Market Days

City Administrator Ferguson reported on a Texas A & M University impact study to be presented to Council at its next meeting. He advised a future study will concentrate on the downtown area.

- Status report on operation of the Blue Hole Regional Park

City Administrator Ferguson reported that Arts Fest will be held at the Park this Saturday and Sunday and encouraged attendance at this well-organized event. He noted the 2016 Concert in the Park series is underway and reminded that the 5<sup>th</sup> Anniversary Concert in the Park will be held May 1<sup>st</sup> from 12 – 5 p.m. and highlighted scheduled performances for an admission ticket price of only \$5. He advised that seasonal jobs are available for the upcoming summer season.

- Status report on upcoming Wimberley city-wide clean up

City Administrator Ferguson reported that Keep Wimberley Beautiful is looking for volunteers to work in various clean-up areas on the morning of May 21, 2016. He advised that the memorial event remembering the 2015 Memorial Day Weekend Flood is also scheduled for later

in the morning on May 21<sup>st</sup> at Blue Hole Regional Park and will include a free meal. He noted that the annual Wimberley EMS Duck Race begins at 2 p.m. on May 21, 2016.

- Status report on upcoming prescription drug take-back program

City Administrator Ferguson reported that the City Marshal's office has been working with the Drug Enforcement Administration and the Wimberley ISD Drug Education Committee to offer the opportunity to safely dispose of any unused or unwanted prescription medications. He provided details on the types of prescription drugs that may be dropped off. He noted the drug take-back event is scheduled for Saturday, April 30<sup>th</sup> from 10 a.m. to 2 p.m. at City Hall.

- Status report on 2015 Flood Recovery

City Administrator Ferguson reported that interviews are being conducted for a new Blanco River Regional Recovery Team (BR3T) director and encouraged those with unmet needs to visit the Dunbar Recreation Center in San Marcos. City Administrator Ferguson reminded that River Road will be closed tomorrow from 8 a.m. until mid-afternoon for repairs between Wayside Drive and Leveritt's Loop. He noted design work continues on the Hidden Valley low water crossing reconstruction.

### **3. Public Hearings and Consider Action**

- A. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Lauren Norsworthy to allow for the operation of a drive-in/drive-through coffee shop on property located at 9595 Ranch Road 12, Suite 4, Wimberley, Hays County, Texas, zoned Highway Commercial (HC), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Lauren Norsworthy, Applicant*)

City Administrator Ferguson reported on the subject property's location, current/proposed zoning and uses, and the applicant's intent to rent the approximately 1,250 square-foot space from Collie Investments in order to operate a drive-in/drive-through coffee shop. The applicant intends to sell coffee, tea, and specialty sodas and juices, as well as pre-baked goods. Customers will view menu items at the first window and place orders with a coffee shop employee at the second window. No speakers will be associated with the proposed drive-through operation. He noted that customers will have the option of eating in and/or drinking inside at tables or drive through to place take-out orders at the window facing the vehicle lane. Hours of operation will be from 7 a.m. to 3 p.m. Monday through Friday. He advised that the Planning and Zoning Commission held a public hearing and unanimously recommended approval at its April 14<sup>th</sup> meeting.

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

Applicant Lauren Norsworthy stated she is renting the space from Collie Investments and explained the ordering process and ingress/egress for the drive-through operation. She noted that her coffee shop will be a “zero-waste” facility using compostable cups and recycling practices.

Lindsey Burnett spoke in support of the CUP request, which she felt will fill the needs of customers such as herself who regularly purchase coffee as part of their daily commute.

The applicant’s husband Jacob Norsworthy felt that the coffee shop will be an improvement for Ranch Road 12 commuters and will have no negative impact on traffic.

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

- B. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Gregory Irvine to allow for the operation of a sit-down eating establishment with the sale of beer and wine for on-premise consumption located at 12111 Ranch Road 12, Suites 105 and 106, Wimberley, Hays County, Texas, zoned Scenic Corridor (SC), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*Gregory Irvine, Applicant*)

City Administrator Ferguson reviewed the subject property’s location, current/proposed zoning and uses, and applicant’s plans to operate a sit-down eating establishment with the sale of beer and wine for on-premise consumption. He advised that the “Twenty-percent Rule” is in effect due to the large amount of written opposition to the case received to date.

Mayor Thurber opened the public hearing.

Owner of Priddy Meadow RV Park, Sherry Priddy, distributed handouts to Council and expressed concerns related to noise and lifestyle differences, which she felt would negatively impact the peaceful, quiet atmosphere that she and her guests enjoy, as well as her livelihood and property’s value. She said the proposed operation is not a good fit for the area and pointed out correspondence from her guests expressing opposition.

City Administrator Ferguson reminded that the conditional use permit (CUP) application is not related to the motorcycle accessory shop, but is to allow for the sale of beer and wine for on-premise consumption. He advised that the City’s Zoning Code allows a motorcycle accessory shop as a commercial use.

Susan Godfrey of 1121 CR 1492 expressed concerns related to the proposed operation’s clientele; proximity to Pierce Creek; dangerous conditions along the banks of Pierce Creek and liability issues; increased dangers associated with entering/exiting Plaza del Sol from Ranch Road 12 by those who have consumed alcohol; trespassing; and increased volume of traffic.

Sarah Kirkpatrick Dishman said she cannot fathom the idea of alcohol consumption at the subject property. She stated that the area has been historically quiet and peaceful and the subject

property is not an appropriate location. She asked that Council respect the tranquility of the neighborhood and hoped the applicant can find another place for his proposed operation.

Wimberley resident and motorcycle enthusiast E.J. Josephson spoke of Wimberley's growth and likelihood of increased Ranch Road 12 traffic. He said that Wimberley is a motorcycle destination and that at least twenty-five clubs have a monthly stop here. He spoke admirably of the applicant's character, including his military and law enforcement experience. He also felt the proposed operation will be a real income driver for the City and supported approval of the CUP application.

Applicant Greg Irvine recognized concerns and stressed he has no desire to open a "biker bar." He stated that closing time will be at 8 p.m. weekdays and 10 p.m. on weekends. He felt that passing motorcyclists will stop before reaching downtown in order to come in and buy merchandise or buy a sandwich. To help address concerns, the applicant said he will post house rules to help curb noise and discourage use of his location as a hang-out.

Discussion addressed details of the proposed motorcycle accessory shop/eating establishment, applicant's measures to control noise, possible limits on hours of operation, and school bus routing at the subject property.

Motorcycle advocate James Hill stressed that not all customers will be consuming alcoholic beverages and said any drinking would be done inside a well-insulated building, with no eating or drinking allowed outside the building. He stated the only noise will be when motorcycles enter and exit the parking lot and said not all motorcycles are loud. He cautioned against stereotyping potential customers as rowdy types who create a lot of noise.

Applicant Greg Irvine confirmed that there will be no outside eating or drinking.

Sherry Priddy referred to her prior conversation with the applicant who could not guarantee "quiet" and said "quiet is what we're looking for."

Sarah Kirkpatrick Dishman said this is a residential neighborhood of elderly retirees and noted that a Wimberley ISD school bus lets off children in the subject property's parking lot.

Mayor Thurber closed the public hearing and opened Council discussion.

Councilmember White stated his personal observations of motorcyclists coming through Wimberley, sometimes in lines of twenty or more, who do not portray a bad image. He said bikes will be coming in and out of the parking lot, regardless of the requested CUP, and felt that confining the operation to inside the building helps address concerns. He noted that the subject property has been a location for commercial businesses for over fifteen (15) years and said he needed more time before making a decision.

Councilmember Showalter asked what conditions could cause the CUP to be revoked and City Administrator Ferguson replied that non-compliance with any conditions that Council places on

the CUP could cause revocation (such as violation of a condition on hours of operations or unruly gatherings).

Councilmember McCullough stated that he was recusing himself because he talked at length with the applicant Greg Irvine prior to the Council meeting.

Councilmember Anderson said it would be hard to be in favor given the amount of opposition from those most impacted in close proximity to the subject property.

Mayor Thurber stated that the CUP process is intended to allow for neighbors' input, which is carefully considered. He noted that the business (motorcycle accessory shop) is allowed under the City's Zoning Code; however, it is the on-premise sale/consumption of alcohol that is the issue. Hearing the amount of opposition from neighbors, Mayor Thurber stated he would lean toward denial.

Councilmember Showalter felt that perhaps Council could devise conditions that would address concerns related to alcohol consumption, including excessive noise attributable to alcohol consumption.

Councilmember Anderson said the subject property's area along Ranch Road 12 is extraordinarily dangerous and has a history of constant traffic issues, included repeated guard rail damage. She expressed safety concerns regarding motorcyclists under the influence of alcohol who exit onto Ranch Road 12. She understood that the subject property is commercially zoned, but said we need to listen to citizens in the surrounding residential neighborhood.

Councilmember White recognized the applicant merely wants to conduct business in a commercially zoned area and said bikes would be coming in and out whether or not the applicant sells alcohol. He felt that adding conditions such as not allowing alcohol to be taken outside and dealing with complaints of rowdiness could help address concerns.

Mayor Thurber noted that the Planning and Zoning Commission unanimously recommended approval of the CUP and that Council would need a unanimous vote to overturn that recommendation. Should Council desire to approve the CUP, he suggested that Council discuss specifically what conditions should be put in place.

Councilmember Showalter referenced Councilmember White's earlier comment regarding prohibition of alcohol outside of the building. She said that prohibiting excessive noise that is directly attributable to alcohol consumption could be added, but City Administrator Ferguson cautioned against adding conditions that are difficult to enforce and suggested examples such as limits on hours of operation, prohibition of outdoor alcohol consumption, and unruly gatherings as possible conditions that are enforceable. He noted the applicant also must comply with TABC regulations requiring a certain ratio of food to alcohol sales and clarified that gross receipts from alcohol sales must not exceed fifty percent (50%) of total gross receipts from the restaurant operation.

In response to Mayor Thurber's inquiry about possible limits on hours of operation, the applicant replied that he is willing to adjust the hours. The applicant stated his proposed hours as follows: Monday-Wednesday from 10 a.m. to 8 p.m.; Thursday-Saturday from 10 a.m. to 10 p.m.; and Sunday from 12:30 p.m. to 8 p.m.

Discussion addressed enforcement issues with certain prohibitions and the applicant's willingness to omit beer and wine as part of the restaurant operation, given the proximity to a residential area expressing opposition and traffic safety concerns.

Mayor Thurber entertained a motion.

Councilmember White moved to approve the ordinance, as presented, with the following additional conditions: specify hours of operation as stated by the applicant; no alcohol shall be taken outside of the building (including the porch/parking lot); and no unruly gatherings will be permitted. Motion died for lack of a second.

Councilmember Showalter moved to deny the ordinance, as presented. Councilmember Anderson seconded. Mayor Thurber called for a vote as follows: Councilmember Anderson, aye; Councilmember McCullough, recused; Councilmember Showalter, aye; and Councilmember White, nay. Motion failed on a vote of 2-1, with Councilmember McCullough recused.

Councilmember White moved to approve the ordinance, as presented, with the following additional conditions: specify hours of operation as stated by the applicant; no alcohol shall be taken outside of the building (including the porch/parking lot); and no unruly gatherings will be permitted. Motion died for lack of a second.

Mayor Thurber called for a recess at 7:28 p.m.

Mayor Thurber reconvened at 7:44 p.m.

Mayor Thurber requested that City Administrator Ferguson update Council on advice from legal counsel. City Administrator Ferguson was awaiting a response at this time and requested that Council vote to table this item until later in this agenda to allow legal counsel an opportunity to respond.

Councilmember Showalter moved to table this item until later in this meeting. Councilmember Anderson seconded. Motion carried on a vote of 3-0, with Councilmember McCullough recused.

At 8:22 p.m. (after Agenda Item 5A), Mayor Thurber reopened this item for discussion and possible action.

Ferguson reported that during the recess he consulted with the City's legal counsel regarding the matter and that he was advised the City Council's initial vote to turn down the zoning request was a legal vote and the item was denied, with no further action needed.

- C. Hold a public hearing and consider action regarding an ordinance approving an application for a conditional use permit submitted by Carl and Brynn Anderson to allow for the operation of a vacation rental on property located at 505 Rocky Springs Road, Wimberley, Hays County, Texas, zoned Single Family Residential 2 (R-2), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. *(Carl and Brynn Anderson, Applicants; this item was continued from the April 7, 2016 City Council meeting)*

City Administrator Ferguson advised that on April 7<sup>th</sup> Council approved the applicants' request for a continuance until April 21, 2016. Following the April 7<sup>th</sup> meeting, the applicants requested another continuance until May 5<sup>th</sup> due to a scheduling conflict. He stated the applicants understand that any further continuances beyond May 5<sup>th</sup> would trigger the need for re-notification.

Councilmember White moved to continue this item until Council's meeting on May 5, 2016, as requested. Councilmember Anderson seconded. Motion carried on a vote of 4-0.

- D. Hold a public hearing and consider action regarding the first reading of an ordinance amending the City's Comprehensive Plan and accompanying maps to remove those properties which front FM 2325, between Rhodes Lane and Carney Lane, from Planning Area III to Planning Area IV; and providing for findings of fact; severability; effective date; and proper notice and meeting. *(City of Wimberley)*

City Administrator Ferguson explained the area in question is located in Planning Area III where Commercial – Low Impact (C-1) is the most intense commercial zoning allowed. However, the existing land uses in the subject area are, in large part, high-impact commercial uses. He provided an example of a pre-existing, non-conforming business that is unable to change or expand its existing use without rezoning. He explained that options are limited for businesses that do not meet the minimum acreage requirements under the City's Wimberley Planned Development District (WPDD) zoning designation. He did not recommend changing the planning area to any designation higher than Planning Area IV, where Commercial – Moderate Impact (C-2) is the most intense zoning allowed. He stressed that a change in the planning area designation does not automatically change the designated zoning and said that any rezoning of properties requires public hearings and notification. He noted that the Planning and Zoning Commission held a public hearing and unanimously recommended approval at its April 14<sup>th</sup> meeting.

Discussion addressed differences between Planning Areas III and IV, including allowed zoning districts and a comparison of commercial zoning districts (C-1 and C-2); scope of the subject area; and inquiries received by the City on expansion of current pre-existing, non-conforming uses. City Administrator Ferguson explained one request was received to upgrade a car wash facility, however, the property owner could not submit a WPDD application, as the property in question does not meet the minimum acreage requirement.

Discussion favored the proposed planning area change as business-friendly and appropriate for existing and possible future uses.

Mayor Thurber opened the public hearing.

Business owner Steve Weldon spoke of problems encountered trying to upgrade his existing small business to a “boutique” car wash. He said certain conservation measures have been implemented resulting in a significant reduction in water usage.

Mayor Thurber closed the public hearing.

Councilmember White moved to approve the ordinance on first reading, as presented. Councilmember McCullough seconded. Motion carried on a vote of 4-0.

#### **4. Ordinance**

Consider approval of an ordinance of the City Council of the City of Wimberley, Texas, amending Ordinance No. 2001-025, Outdoor Lighting, as amended by Ordinance No. 2004-007, to update various definitions and establish street light requirements; repealer; severability; effective date; proper notice and meeting; and providing for certain conditions. (*City Administrator*)

City Administrator Ferguson explained the need for the City to update its Outdoor Lighting Ordinance to ensure it meets *International Dark Sky Association* (IDA) standards that would allow the City of Wimberley to be considered for designation as an *International Dark Sky Community*. IDA staff recently reviewed the City’s Lighting Ordinance and made recommendations for updates that would meet IDA standards. He stated that the most noteworthy change is related to §151.62(D), which states: “New street lighting installed after the effective date, other than fixtures at the intersection of roadways, shall utilize half-night photocells or timers to turn off the lights halfway between dusk and dawn.” He noted that §151.69(A) provides the following: “The City may install new public outdoor lighting, including street lighting and lighting on other public property and rights-of-way, after the effective date only upon the determination of the City Manager that a clear public safety threat exists in the space to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting.” City Administrator Ferguson felt that the City would not install new street lighting unless there was a public safety issue. In addition to amending the City’s Outdoor Lighting Ordinance, other commitments must be made to receive the *International Dark Sky Community* designation. On April 14, 2016, the Planning and Zoning Commission voted unanimously to recommend approval of the proposed amendments, as recommended by IDA.

Councilmember Showalter noted changes in terminology since the City adopted its original Outdoor Lighting Ordinance, including references to newer types of lighting (such as LED), and commended former Planning and Zoning Commissioner Glenn Fryer for his contribution to drafting of the original ordinance.

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

Citizens Alliance for Responsible Development (CARD) Chair Louis Parks distributed a letter in support of the City's consideration of becoming an *International Dark Sky Community*, which he said would be a very positive step for Wimberley. He noted that the cities of Dripping Springs and Horseshoe Bay have received such designation and are using it to attract visitors. He noted IDA standards are compatible with the City's Comprehensive Plan language on preserving night skies. He spoke of the benefits of sensible lighting requirements that are not burdensome and strongly recommended that Wimberley seek to obtain *International Dark Sky Community* designation.

CARD representative Jim McMeans thanked Council for supporting the dark sky initiative and pointed to the following italicized language from the City of Dripping Springs ordinance [See same language in §151.62(D) of the City of Wimberley proposed ordinance]: "New street lighting installed after the effective date, *other than fixtures at the intersection of roadways*, shall utilize half-night photocells or timers to turn off the lights halfway between dusk and dawn."

## 5. Discussion and Possible Action

- A. Discuss and consider possible action regarding proposed *Wimberley Hotel Occupancy Tax Committee Responsibilities, Accountabilities, Authorities & Guidelines*. (*City of Wimberley Hotel Occupancy Tax Advisory Committee*)

City Administrator Ferguson commended the Committee for its hard work on drafting of procedures and guidelines for the review and recommendation of funding proposals for the expenditure of local hotel occupancy tax revenues.

Committee Chair Tomas Palm spoke on the Committee's broad-based, balanced membership and said that the seven-member committee has been able to work well together to reach full consensus on the proposed guidelines. He offered to answer any questions from Council and stressed that the Committee's goal is to make Wimberley's hotel tax program a model for other cities.

Local reservation agent Dan Sturdivant spoke highly of the Committee's leadership and cooperation amongst members representing varied interests.

Councilmember White moved to approve the proposed *Wimberley Hotel Occupancy Tax Committee Responsibilities, Accountabilities, Authorities & Guidelines*, as presented. Councilmember Anderson seconded.

Discussion praised the Committee's cooperative efforts to date and hoped for the end result of more "heads in beds."

Motion carried on a vote of 4-0.

Mayor Thurber called for a recess at 8:14 p.m.

Mayor Thurber reconvened the meeting at 8:22 p.m.

- B. Discuss and consider possible action regarding a proposed rate increase for commercial solid waste collection and recycling. (*City Administrator*)

This item was heard after reconsideration of previously continued Item 3B.

City Administrator Ferguson explained that the City's current contract with Texas Disposal Systems (TDS) allows TDS to submit written requests for rate increases for commercial solid waste collection services. He introduced TDS representative Ray Bryant to provide details on the requested rate increase.

Mr. Bryant explained that the proposed modest increase of .502 percent is based upon increases in the Consumer Price Index – All Urban Customers (CPI) and would be effective June 1, 2016, if approved by Council.

Councilmember White moved to approve the proposed rate increase for commercial solid waste collection and recycling, as presented. Councilmember Showalter seconded. Motion carried on a vote of 4-0.

Mayor Thurber thanked TDS and Mr. Bryant for its help to the City following the flood events and Mr. Bryant said he is available to respond "24-7" to any issues or answer any questions.

- C. Discuss and consider possible action regarding a proposed ordinance establishing reporting and enforcement procedures regarding short-term rental facilities in Wimberley. (*City Administrator*)

City Administrator Ferguson explained key provisions of the proposed ordinance that set up complaint procedures and actions that Council may take to consider revocation of permits for violation of terms or receipt of two or more complaints within a one-year period relating to unruly gatherings.

Councilmember White requested clarification on permit revocations acted upon by Council versus those imposed by the municipal court judge. City Administrator Ferguson replied that ordinance violations may be filed in municipal court and violation of conditional use permit (CUP) conditions may be heard by Council.

Discussion included further clarification on enforcement procedures related to bed and breakfast/vacation rental permits issued to owners who have received either grandfathered status or an approved CUP.

Councilmember McCullough felt that the proposed ordinance is too burdensome for the complainant and recognized there may be complaints reported by "overzealous neighbors."

City Administrator Ferguson recommended deleting §112.06(E) from the proposed ordinance to remove the referenced municipal court judge's role in the enforcement procedures. Councilmember McCullough said he "wanted us to be first person that he calls" even if the complainant also makes a report to the Hays County Sheriff's Office. City Administrator Ferguson reminded of prior Council discussion indicating that a report to the Sheriff's Office was encouraged in order to document complaints. Councilmember McCullough stated that he wanted minor nuisance complaints handled locally without having to call the Sheriff. Mayor Thurber stated that the proposed ordinance does not require complaints to be made to the Sheriff. Councilmember McCullough felt it would be simpler just to call the City. Mayor Thurber pointed out that complaints made to the City outside of City business hours, such as late night on weekends, would not be responded to immediately, and the complainant may wish to call the Sheriff for more immediate action. City Administrator Ferguson said it may be more onerous to require the complainant to call the City than simply accepting complaints from any source, whether directly from the complainant or from the Sheriff's Office or City Marshal's records.

Councilmember Anderson moved to approve the ordinance on first reading, as presented, including direction to staff to make the following deletions in §112.06 (Enforcement Procedure) related to municipal court:

~~“(E) The judge of the municipal court, in addition to imposing a fine, may suspend or revoke a permit if the judge finds the permit holder guilty of violating a municipal ordinance relating to the operation of a bed and breakfast lodging or vacation rental.~~

(F) In the event that either Council or the municipal court revokes a permit under this subsection, the City shall not accept a new permit application for that property until the expiration of one year from the date of revocation.”

Councilmember Showalter seconded. Motion carried on a vote of 4-0.

- D. Discuss and consider possible action regarding the proposed replacement of a stop sign with a yield sign at the intersection of River Road and County Road 1492. *(City of Wimberley Transportation Advisory Board)*

City Administrator Ferguson advised that there have been questions raised by citizens on the need for a stop sign at the subject location. In response to those questions, he stated that the City's Transportation Advisory Board met on April 13<sup>th</sup> and recommended replacement of the existing stop sign with a yield sign, based on lack of sight distance issues and no significant accident history at the subject intersection.

Councilmember White moved to approve replacement of a stop sign with a yield sign at the intersection of River Road and County Road 1492. Councilmember Showalter seconded. Motion carried on a vote of 4-0.

- E. Discuss and consider possible action regarding current and future issues relating to the Pedernales Electric Cooperative's transmission lines in the Wimberley area. *(Place One Councilmember Bob Dussler)*

Due to Councilmember Dussler's absence at tonight's meeting, Mayor Thurber stated that this item will be continued until Council's next meeting on May 5<sup>th</sup>.

## 6. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember McCullough requested discussion of Twin Mountain Manor.

Councilmember White questioned why a business with a drive-in window needs a CUP and Mayor Thurber replied that such a requirement is included in the City's Zoning Ordinance, which may be amended, if an item to amend the Zoning Code is placed on a future agenda.

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

**Adjournment:** Council meeting adjourned at 8:47 p.m.

Recorded by:

*Cara McPartland*

Cara McPartland

These minutes approved on the 5<sup>th</sup> of May, 2016.

**APPROVED:**

*Steve Thurber*  
Steve Thurber, Mayor

