

**City of Wimberley**  
 City Hall, 221 Stillwater  
 Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
 July 7, 2011 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 Mac McCullough, Matt Meeks, Steve Thurber, and John White. Councilmember Tom Talcott was absent.

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

### **Citizens Communications**

Downtown business owner Carolyn Rogers spoke of her professional background and relocation to Wimberley. She felt that Wimberley is unique and attractive for what it does not have, such as malls, chain stores, and interstate highways. She stressed the need for improved infrastructure and basic safety, including streets, sidewalks, public parking, water, sewer, and public restrooms. She challenged Council to find an equitable solution for providing such improvements, in order to keep Wimberley functioning and sustainable for residents and visitors.

### **1. Consent Agenda**

- A. Approval of the minutes of the Regular City Council meeting of June 16, 2011.
- B. Approval of the minutes of the Special City Council meeting of June 25, 2011.
- C. Approval of the appointment of Tom Haley to the City of Wimberley Planning and Zoning commission. (*Place Three Councilmember Matt Meeks' nominee*)
- D. Approval of the appointment of Charles Roccaforte to the City of Wimberley Ethics Commission. (*Place Five Councilmember John White's nominee*)
- E. Approval of the reappointment of Gene Woodruff to the City of Wimberley Transportation Advisory Board. (*Place One Councilmember Tom Talcott's nominee*)
- F. Approval of the appointment of Vance Smith to the City of Wimberley Parks and Recreation Advisory Board. (*Place Three Councilmember Matt Meeks' nominee*)
- G. Approval of the May 2011 City of Wimberley Financial Statements. (*City Administrator*)
- H. Approval of the June 2011 City of Wimberley Financial Statements. (*City Administrator*)

City Administrator Ferguson pulled Consent Agenda Items 1B and 1H to be continued for consideration at Council's July 21, 2011 meeting.

Councilmember Thurber moved to approve Consent Agenda Items 1C through 1G, as presented. Councilmember White seconded. Motion carried on a vote of 4-0.

Councilmember Thurber moved to continue Consent Agenda Items 1B and 1H until Council's meeting of July 21, 2011. Councilmember McCullough seconded. Motion carried on a vote of 4-0.

Councilmember Thurber requested the following italicized changes to Consent Agenda Item 1A: Page 6 – "He favored productive meetings among the parties involved, but did not feel that mediation ~~could~~ *should* be mandated."

Page 7 – "Councilmember Thurber hoped that all property owners can hold productive meetings to resolve this issue and ~~figure out~~ *agree on* what Mill Race Lane should look like."

Councilmember Thurber moved to approve Consent Agenda Item 1A, as amended. Councilmember McCullough seconded. Motion carried on a vote of 4-0.

## **2. Presentations**

- A. Presentation by Todd H. Votteler, Ph.D., with the Guadalupe Blanco River Authority on the results of a recent drought study, which included a sampling of local tree rings. (*Todd Votteler, Ph.D., Guadalupe Blanco River Authority*)

Dr. Votteler presented detailed information on various aspects of his report, including report objectives, chronology methodology, area tree ring survey results, drought studies/analyses, and climate reconstruction. Discussion addressed tree-specific data, statistical interpretations, sampling methods, the problematic nature of climate/rainfall prediction, and water management/conservation efforts.

- B. Presentation by Wimberley E-M-S on compression-only C-P-R

Wimberley EMS Community Education Coordinator Richard Kay explained Wimberley E-M-S services and demonstrated updated "compression-only" C-P-R techniques. Following Mr. Kay's demonstration, each member of City Council performed the technique and discussion among Council, staff, and audience members answered questions regarding best practices and public education. Those present were given the opportunity to perform the technique on a test dummy.

## **3. City Administrator Report**

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

City Administrator Ferguson reported on Phase I construction completion efforts, attendance figures to date, revenue generated, record attendance on July 2<sup>nd</sup>, and many positive comments received about the Park. Despite lack of rain, water quality testing results continue to be satisfactory. Mayor Flocke stressed that rumors about high bacteria counts and water-borne illnesses are not true and noted that water depth is carefully monitored.

- Status report on water quality test results for the Blanco River and Cypress Creek

City Administrator Ferguson reported on satisfactory test results, all within safe standard ranges. He noted continuing careful monitoring of water quality/depth and specific results at various test locations along the Blanco River and Cypress Creek.

- Status report on the Ranch Road 12/Old Kyle Road improvement project

City Administrator Ferguson reported that design work and meetings with property owners on easements are nearing completion, with surveying to begin within the next two weeks. He provided details on construction design/timeframe, parking, and drainage/sidewalk improvements.

- Status report on the FM 2325 sidewalk coalition

City Administrator Ferguson reported on results of the public meeting held on June 28, 2011, which indicated significant support for sidewalks. A core leadership group was identified to study design, costs, and funding. He noted Texas Department of Transportation (TxDOT) surveying stakes are in place to mark right-of-way lines.

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

Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas approving an application for a conditional use permit submitted by Taste Buds LLC to permit the sale of beer, wine, and alcohol for on-premise consumption on a tract located at 13904 Ranch Road 12, Suite 2, Wimberley, Hays County, Texas, zoned Commercial – High Impact (C-3), 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. (*Taste Buds LLC, Applicant*)

City Administrator Ferguson reported on the subject property's location, current/proposed zoning and uses, inside/outside seating, and operating hours. He noted that no opposition was received and that no daycare centers, schools, or churches are within three-hundred feet of the property. On June 23, 2011, the Planning and Zoning Commission held a public hearing and voted unanimously to recommend approval, provided Texas Alcoholic Beverage Commission (TABC) requirements are met. He noted that City staff recommended limiting the sale and consumption of beer, wine, and alcohol to the store's operating hours of 10 a.m. to 6 p.m. Monday-Friday and 10 a.m. to 8 p.m. on weekends. However, the Commission voted not to include an hours limitation in its recommendation.

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

Discussion among Council, staff, and the applicants addressed:

- Impact of hours limitation on the subject property's intended use to serve beer, wine, and alcohol at special events (such as wine/food pairings), which may continue after normal operating hours as listed above
- Acceptable alternative time limitations
- Consistency with conditions related to other zoning cases
- Concerns with possible future owners of the property

Councilmember McCullough moved to approve the item, as presented, with no additional conditions, other than compliance with TABC requirements. Councilmember White agreed and saw no reason to add restrictions that are not necessary.

Councilmember Thurber expressed concerns related to outdoor service and favored time limitations on beer, wine, and alcohol sales and consumption. Discussion noted differences among the subject property's location and other Square businesses.

Again, Councilmember McCullough moved to approve the item, as presented, with no additional conditions, other than compliance with TABC requirements. Councilmember White seconded. Motion carried on a vote of 3-1. Councilmember Thurber voted against.

## **5. Discussion and Possible Action**

- A. Discuss and consider possible action awarding a contract for the completion of street improvements to Cliffview Drive, Smith Creek Road, Twilight Trail, Malone Drive and Rockwood Drive in Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson presented details of the bid tabulations and recommended awarding of a contract to CAS Construction, Inc. of Wimberley for Bid Schedules A, B, C, and D in the amount of \$178,838.03, with substantial completion of construction being on or before September 30, 2011. Because contingency funds must be accommodated in the budget, City staff recommended that no bid schedule for Rockwood Drive be awarded at this time, in order to leave adequate contingency funding for street improvement work to be done.

Discussion addressed past CAS projects, final costs, reliability, the project's scope, type of surface materials, and consideration of Rockwood Drive improvements in the upcoming fiscal year.

Councilmember Thurber moved to approve awarding a contract for the completion of street improvements to Cliffview Drive, Smith Creek Road, Twilight Trail, and Malone Drive to CAS Construction, Inc., as recommended by City staff, and excluding Rockwood Drive at this time, in order to allow for adequate contingency funding. Councilmember White seconded. Motion carried on a vote of 4-0.

- B. Discuss and consider possible action regarding further proposed modifications to the construction timeline for various elements in Phase II of the Blue Hole Regional Park Development Project. (*City Administrator*)

Because adequate funding is now in place to construct the soccer fields (with a temporary irrigation system) and the basketball court, City Administrator Ferguson recommended that Council authorize proceeding with construction on those two park amenities. The City will receive reimbursement from Texas Parks and Wildlife grant funds for a portion of the construction costs and that grant money will be used to fund other costs associated with development of the Park. He noted that no work will be done on remaining Phase II improvements until adequate funding is available.

Councilmember Thurber moved to authorize staff to direct the contractor to construct the soccer fields and basketball court, as presented. Councilmember Meeks seconded. Motion carried on a vote of 4-0.

- C. Discuss and consider possible action regarding a proposed contract for the processing of credit and debit cards at the Blue Hole Regional Park. (*City Administrator*)

Due to expressed interest in paying admission fees with credit/debit cards, City Administrator Ferguson recommended that the City enter into a three-year agreement with Heartland Payment Systems to process credit/debit card payments received at the Park. He provided details on specific processing/equipment fees and noted that credit/debit card payments may be expanded to payment of other City fees in the future. Discussion addressed possible additional "swipe" units (for potential future locations other than the Park) and wireless internet service at the Park.

Councilmember Thurber moved to approve the item, as presented, and allow for expansion of the service to City Hall and the Community Center, if such service is deemed successful by staff. Councilmember Meeks seconded. Motion carried on a vote of 4-0.

- D. Discuss and consider possible action regarding the designation of a truck route around the Wimberley Square. (*City Administrator*)

This item was heard after Agenda Item 5H.

City Administrator Ferguson reviewed past discussions of the route to help reduce the volume of large truck traffic on the Square and enhance both vehicle and pedestrian safety. Discussion addressed specific concerns expressed by the City of Woodcreek, through-truck traffic routing to the "bypass", and enforcement of City traffic regulations.

Councilmember Thurber moved to authorize staff to proceed with the process of working with surrounding communities and TxDOT to designate a truck route around the Wimberley Square. Councilmember McCullough seconded. Motion carried on a vote of 4-0.

- E. Discuss and consider action amending the Fiscal Year 2011 City of Wimberley General Fund, Municipal Court and Blue Hole Budgets for the purpose of accounting for actual and anticipated expenditures, and declaring the adjustments as a necessity. (*City Administrator*)

City Administrator Ferguson requested that this item be continued until Council's meeting of July 21, 2011. Councilmember Thurber moved to continue this item until Council's meeting of July 21, 2011. Councilmember McCullough seconded. Motion carried on a vote of 4-0.

- F. Discuss and consider possible action on Fiscal Year 2012 Priorities for the City of Wimberley. (*City Administrator*)

Discussion addressed the following priorities (not necessarily ranked in order of importance within each *Priorities* category), as identified in Council's workshop meeting held on June 25, 2011:

*Two-Year Priorities*

- Sewer system on the Wimberley Square
- Improve citizen communications
- Enhance public confidence
- Review and re-codify Code of Ordinances
- Implement law enforcement program
- Complete development of Blue Hole Regional Park
- Development of a master plan for Wimberley Square area
- Initiate work on development of community development master plan
- Enhance business development
- Implement historic preservation and awareness program
- Maintain street repair and improvement program
- Initiate underground utility program on Wimberley Square
- Develop and secure alternate water supplies for Wimberley

*Five-Year Priorities*

- Increase senior housing options
- Complete Hays County/City of Wimberley Regional Hike and Bike Trail
- Develop funding for capital improvements (streets, sidewalks, drainage, parks)
- Complete underground utility program on Wimberley Square
- Maintain citizen involvement
- Develop and secure alternate water supplies for Wimberley

Councilmember White moved to approve the FY 2012 Priorities for the City of Wimberley, as presented. Councilmember Thurber seconded. Discussion addressed specifics related to possible youth programs and a community radio station. Motion carried on a vote of 4-0.

- G. Discuss and consider possible action regarding the status of the "over-the-road" banner program for non-profit organizations. (*City Administrator*)

City Administrator Ferguson detailed provisions of the "over-the-road" banner program, a recent incident involving a downed utility pole at a busy intersection, banner locations, cost of program to the City and to Pedernales Electric Cooperative (PEC), safety concerns, and possible

alternatives to the banner program, including an unobtrusive community message board at the “Y” triangle property at Ranch Road 12 and FM 2325. Though it may have been a contributing factor, it was not conclusive that the banner caused the utility pole failure. As one alternative, PEC proposed installing poles for the purpose of hanging banners. Discussion addressed various alternative options, costs, specific safety concerns, and PEC’s possible system-wide discontinuance of the program.

Councilmember Meeks moved to authorize City staff to work with PEC to find alternative options for the program. Councilmember Thurber seconded. Motion carried on a vote of 4-0.

- H. Discuss and consider possible action regarding a request from the Wimberley Cemetery Association for City assistance in efforts to find a site for a new cemetery in the Wimberley area. *(City Administrator)*

This item was heard after Agenda Item 5C.

Discussion among Council, staff, and Wimberley Cemetery Association representatives addressed the need for more space, amount of additional space needed, plot sizes, cemetery-related regulations, possible land purchase(s), fund raising, and need for community involvement. Mayor Flocke suggested designating Councilmember Meeks to lead the formation of a committee of stakeholders and other interested parties to explore acquisition/funding of additional cemetery space.

Councilmember Thurber moved to appoint Councilmember Meeks to head a committee to be formed of interested parties, to hold meetings, and keep staff informed of the results of those meetings. Councilmember McCullough seconded. Motion carried on a vote of 4-0.

- I. Discuss and consider possible action validating the Mayor’s signature on and submittal of an application to amend the Capital Area Metropolitan Planning Organization’s (CAMPO) 2035 Regional Transportation Plan to designate the City of Wimberley as a “Small Center”. *(City Administrator)*

This item was heard after Agenda Item 5G.

City Administrator Ferguson explained the application and associated submission deadlines to amend the CAMPO 2035 Regional Transportation Plan to designate the City of Wimberley as a “Small Center” for transportation planning and funding purposes, in order to enhance the viability of grant funding applications.

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

- J. Discuss and consider possible action regarding a request for a variance from the sign regulations of the City of Wimberley for a business located at 103 Henson, Wimberley, Texas. *(City Administrator)*

City Administrator Ferguson explained the variance request to allow the applicant to install a free-standing sign with different colored signs for each business (*Country Classics, Bent Tree Gallery, Imagine, and On the Porch*) located in the shopping center. The Sign Ordinance requires each sign in a free-standing sign that contains or supports more than one (1) sign to be of the same construction, coloring, design, and style. The subject business signs will be of the same construction, design, and style; however, the signs will not be the same color due to concerns that the logos of the subject businesses would not be recognizable if all were the same color. He advised that City Council has the ability to grant a sign variance, if Council finds that the following standards are met:

- The variance will not authorize a type of sign which is specifically prohibited this chapter
- The variance is not contrary to the goals and objectives outlined by the City of Wimberley Comprehensive Plan; Section VII, D-2
- The variance is not contrary to the public interest
- Due to special conditions, a literal enforcement of the chapter would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.
- The spirit and purpose of the chapter will be observed, and substantial justice will be done.

Discussion addressed consistent application of the Sign Ordinance, Comprehensive Plan objectives, protection for businesses, past variances granted, and requirement of affirmative findings on all of the abovementioned standards,

Councilmember Thurber moved to deny the variance, due to lack of affirmative findings on the following three standards:

- The variance is not contrary to the goals and objectives outlined by the City of Wimberley Comprehensive Plan; Section VII, D-2
- Due to special conditions, a literal enforcement of the chapter would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.
- The spirit and purpose of the chapter will be observed, and substantial justice will be done.

Motion died for lack of a second.

Councilmember McCullough moved to approve the variance, as presented, including affirmative findings on all five of the abovementioned standards. Councilmember White seconded. Mayor Flocke called for a vote as follows: Councilmember McCullough, aye; Councilmember Meeks, aye; Councilmember Thurber, nay; Councilmember White, aye. Motion carried on a vote of 3-1.

## 6. City Council Reports

- Announcements
- Future Agenda Items

Councilmember Meeks introduced newly appointed Parks and Recreation Advisory Board member, Vance Smith, to Council, who all welcomed Mr. Smith.

Councilmember Thurber thanked the Lions Club, the Chamber of Commerce, Hays County Sheriff's Office/Constables, Wimberley EMS, City staff, and all participants for successful Fourth of July events.

As future agenda items: Councilmember Thurber requested discussion of the City's Water Conservation Ordinance and requested reports to Council from all City boards and commissions. He encouraged the Wimberley View to encourage community conservation efforts. Mayor Flocke requested discussion of historic preservation and awareness.

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

**Adjournment:** Council meeting adjourned at 9:01 p.m.

Recorded by:

*Cara McPartland*

Cara McPartland

These minutes approved on the 21st of July, 2011.

**APPROVED:**

*Bob Flocke*

**Bob Flocke, Mayor**

