

**City of Wimberley**  
City Hall  
221 Stillwater  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
July 17, 2014 at 6:00 p.m.

City Council meeting called to order at 6:10 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, Cindy Anderson, Matt Meeks, Pam Showalter, and John White.

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

### **Proclamation**

Mayor Thurber presented a proclamation to local artist Sharon Gwen Carter and *Keep Wimberley Beautiful* President Martha Knies recognizing their work to create the mural on the concrete wall in front of the Wimberley Community Center. Both recipients thanked Council and Ms. Knies advised that a "Walk the Wall" event will be held on the evening of Tuesday, July 29, 2014.

### **Citizens Communications**

Robert Welch, owner of Wimberley Collision, referenced a specific property owner who routinely parks a wrecker in the yard of his residence. He distributed photos of the subject wrecker, questioned the City's zoning regulations, and requested information on the City's authority to regulate such activity. He asked that Council consider this issue on a future agenda.

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

- A. Approval of minutes of the Regular City Council meeting of June 19, 2014
- B. Approval of minutes of the Special City Council meeting of June 24, 2014
- C. Approval of minutes of the Special City Council meeting of July 3, 2014
- D. Approval of the May 2014 Financial Statements for the City of Wimberley
- E. Approval of the June 2014 Financial Statements for the City of Wimberley
- F. Approval of the appointment of Grady Burnette to the City of Wimberley Water Wastewater Advisory Board. (*Place One Councilmember Tom Talcott's nominee*)
- G. Approval of the appointment of Gary Barchfeld to the City of Wimberley Transportation Advisory Board. (*Place One Councilmember Tom Talcott's nominee*)

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

## 2. City Administrator Report

In response to Robert Welch's earlier comments during Citizen Communications, City Administrator Ferguson advised that the City does not have an ordinance prohibiting the parking of vehicles in front yards, whether those vehicles are marked or not. He stated that Council may direct staff to place this issue on a future agenda for consideration.

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

City Administrator Ferguson reported that the City received a check for \$49,873 in sales tax revenue, representing May collections, which is up eleven percent (11%) over the same period last year. Sales tax revenues are running at ninety-eight percent (98%) of budget, with three (3) months remaining in the current fiscal year.

- Status report on development activity within the City of Wimberley

City Administrator Ferguson reported on increased residential and commercial development and provided statistics on number of permits issued, total value, and comparisons to last year's activity.

- Status report on plans to remove gravel deposits from the Cypress Creek and Pierce Creek

City Administrator Ferguson reported on the status of Texas Parks and Wildlife Department permit issuance and noted that FEMA-funded removal work on Pierce Creek will begin next week.

- Status report on the development of a Central Wimberley Master Plan

City Administrator Ferguson advised that Mayor Thurber met with representatives of the Blue Heron and Las Lomas neighborhoods last week to discuss concerns regarding specific aspects of the proposed concept plans. He stated Design Workshop representatives are anticipated to present a draft plan by the end of July for consideration by the Planning and Zoning Commission in mid-August. He noted that additional community meetings may be scheduled as needed and stressed that concept plans are meant to generate public comment. He advised that clarified versions of the three (3) concept plans, with additional definitions and images, are available for viewing at City Hall and on the City's website

- Status report on the Ranch Road 12 landscaped wall mural

City Administrator Ferguson encouraged attendance at the "meet and greet" event at the newly created wall mural as highlighted by Martha Knies in her earlier comments (see above *Proclamation* item).

- Status report on central Wimberley water quality issues

City Administrator Ferguson reported that July testing revealed bacteria levels at the Cypress Creek Bridge/Ranch Road 12 remain elevated, while upstream at Blue Hole Regional Park, results remain within acceptable levels, and reflect the lowest levels recorded thus far this summer.

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

City Administrator Ferguson reported that over 18,000 people have visited the swimming area to date this season, generating more than \$140,000 in revenue. He noted recent recognition of the Blue Hole in a national publication as one of America's best swimming holes.

In addition, City Administrator Ferguson:

- Reported that candidate interviews are scheduled next week to fill the vacant city marshal position, with updates to follow
- Offered Saturday, August 9, 2014 as a tentative date for Council to hold its annual goals and objectives workshop meeting, with August 16<sup>th</sup> as an alternative date
- Anticipated presentation of a draft tree protection ordinance to Council in August
- Noted that a request for a status update has been submitted to Pedernales Electric Cooperative (PEC) on its proposed line improvement project
- Provided information on the timeframe for the Central Wimberley Wastewater Project, to be posted on the City's website, as well as an upcoming meeting with City of Austin representatives regarding permitting

Following Councilmember Talcott's comment on a recent news article related to Wimberley's population data, brief discussion ensued on the methodology used to collect and analyze such data.

Mayor Thurber congratulated Hays County on recent national recognition given to the increasingly popular Jacob's Well Natural Area, which frequently receives capacity crowds.

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

- A. 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 Michael and Meredith McClay to allow for the operation of a vacation rental on a tract of land zoned Scenic Corridor (SC), located at 12500 Ranch Road 12, Wimberley, Hays County, Texas, 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. (*Michael & Meredith McClay, Applicants*)

City Administrator Ferguson requested continuance of this item until Council's August 7, 2014 meeting to allow the Planning and Zoning Commission to hold a public hearing and make a recommendation at its special meeting scheduled for July 24, 2014.

Councilmember Meeks moved to approve continuance of this item, as requested. Councilmember Talcott seconded. 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, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for property located at 1991 Hilltop, Wimberley, Hays County, Texas, designating such property from Single Family Residential 2 (R-2) to Rural Residential 1 (R-1); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*James and Marta Schreiter, Applicants*)

City Administrator Ferguson requested continuance of this item until Council's August 7, 2014 meeting to allow the Planning and Zoning Commission to hold a public hearing and make a recommendation to Council at its special meeting scheduled for July 24, 2014.

Councilmember Talcott moved to approve continuance of this item, as requested. Councilmember Meeks seconded. Motion carried on a vote of 5-0.

- C. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, Texas, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for property located at 501 and 721 Woodcreek Ranch Road, Wimberley, Hays County, Texas, designating such property from Residential Acreage (RA) to Rural Residential 1 (R-1); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*Pamela Showalter, Applicant*)

Councilmember Showalter recused herself from the meeting at this time.

City Administrator Ferguson requested continuance of this item until Council's August 7, 2014 meeting to allow the Planning and Zoning Commission to hold a public hearing and make a recommendation to Council at its special meeting scheduled for July 24, 2014.

Councilmember Talcott moved to approve continuance of this item, as requested. Councilmember Meeks seconded. Motion carried on a vote of 4-0.

Councilmember Showalter returned to the meeting at this time.

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

- A. Discuss and consider possible action regarding the future of the City of Wimberley Economic Development Commission. (*Mayor Steve Thurber*)

Mayor Thurber noted the Commission's successful completion of an Economic Development Plan, which was adopted by Council, and requested input on the need for the Commission to continue to meet for the purpose of fulfilling its minimum meeting requirements.

Discussion favored dissolution of the Commission at this time.

Councilmember Talcott moved to direct staff to draft an ordinance to repeal the ordinance establishing the Economic Development Commission. Councilmember Showalter seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action regarding the future of the City of Wimberley Budget Advisory Board. (*Mayor Steve Thurber*)

Mayor Thurber requested input on whether the Board's review is still needed as part of the budget process.

Discussion favored dissolution of the Board at this time.

Councilmember Talcott moved to direct staff to draft an ordinance to repeal the ordinance establishing the Budget Advisory Board. Councilmember White seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action regarding the appointment process for consensus nominees to boards and commissions of the City of Wimberley. (*Mayor Steve Thurber*)

Mayor Thurber reported on his recent meeting with Councilmember Meeks to help resolve issues associated with consensus appointments, including the definition of the term *consensus*, and invited Councilmember Meeks to comment.

Councilmember Meeks comments included the following:

- Past practice of the mayor submitting a consensus nominee for Council consideration and action
- Timeframe for implementation of any changes that Council may make to the consensus appointment process, since most of this year's appointments have been approved
- Clarification of the existing appointment process, which allows the mayor and all Council members to submit names as potential consensus appointments for consideration and action by Council

Discussion addressed:

- Delayed implementation of any changes until next year's appointment process
- Definitions of *consensus*
- Possible interviewing of multiple candidates nominated for one position
- "Hybrid" approach that would allow Mayor Thurber to conduct interviews and choose one at-large candidate for consideration and vote by Council.
- Determination of a 4-1 vote as a threshold for reaching consensus and use of the aforementioned "hybrid" approach whenever Council's vote for approval does not meet that threshold
- De-politicizing the consensus appointment process

- Existing appointment procedures
- Favoring the term *at large* over *consensus*
- Exceptions to any possible changes in the appointment process for the Parks Board and Transportation Advisory Board

After further discussion, Council Member White moved to direct staff to draft language for a rule that would allow each Council member, with the exception of the Mayor, to bring names forward for possible appointment to consensus positions, and the Mayor would select, from those names, the person to be the appointed consensus member. Councilmember Showalter seconded.

Councilmember Talcott requested discussion of the status of prior nominations and City Administrator Ferguson stated that to be formally nominated a person's name must appear on a Council agenda and discussion established that Councilmember Talcott may submit a name for consideration by Mayor Thurber, in the same manner as all other Council members.

Mayor Thurber called for a vote as follows: Councilmember Talcott, abstain; Councilmember Anderson, aye; Councilmember Meeks, aye; Councilmember Showalter, aye; Councilmember White, aye. Motion carried on a vote of 4-0.

D. Discuss and consider possible action regarding the proposed revision of the City of Wimberley Flood Damage Prevention Ordinance. (*City Administrator*)

City Administrator Ferguson presented key provisions of the updated draft ordinance, including those related to elevation requirements, floodway construction, design of enclosures to allow for pass-through of flood waters, substantial damages (aka the "50-Percent Rule"), drilling/hazardous materials within floodways, and appeal procedures.

Discussion addressed current flood maps, recent map modifications, reassessment of certain flood areas, establishment of base flood elevations, and submission of new data to FEMA.

Alice Wightman spoke on drainage issues with her property, which lies entirely in the 100-year floodplain and partially in the floodway. She cited specific City of Wimberley/Hays County regulations regarding permitting/development in flood areas and questioned compliance on the part of her neighboring property owner(s). She felt there are statutory inconsistencies that need to be addressed. City Administrator Ferguson advised that the City is not obligated to enforce Hays County floodplain rules and noted certain flood damage prevention modifications will be incorporated into the City's Subdivision Ordinance upon adoption.

No vote was taken.

E. Discuss and consider possible action regarding a proposal for the City of Wimberley to acquire, install and operate an electronic community message sign. (*City Administrator*)

City Administrator Ferguson reviewed past Council discussions on this matter and presented the following possible sign locations:

- Intersection of Ranch Road 12 and River Road (Wimberley Community Center or Ozona National Bank property)
- Intersection of Ranch Road 12 and FM 2325 (The “Y” property owned by the City)
- 951 FM 2325 (Future WISD Administration Building site owned by WISD)

Discussion addressed:

- Locating the sign at a point near an existing traffic light
- Sign placement issues associated with the “Y” location
- Preference for location along Ranch Road 12 as the most heavily traveled roadway
- Possible location at the Ranch Road 12/FM 3237 intersection
- Past objections expressed to placement of the sign at the Wimberley Community Center
- Problems related to “driver distraction”
- Need for signs to disseminate public information, most effective number of signs, and location(s) providing optimum coverage of Wimberley area

City Administrator Ferguson advised that he will request that the sign contractor provide possible placement options for the sign at the “Y” location to present to Council at a future meeting.

No vote was taken.

- F. Discuss and consider possible action on issues relating to the development of the Fiscal Year 2015 City of Wimberley Budget. (*City Administrator*)

City Administrator Ferguson requested input on any budget specific issues as the annual budget process continues. Mayor Thurber asked that Council members email budget-related items of interest or concern to City Administrator Ferguson.

No vote was taken.

- G. Discuss and consider possible action scheduling a date for the required Open Records and Open Meetings training for City Council and City staff. (*City Administrator*)

City Administrator Ferguson presented several options to meet the training requirements, either individually or as a group. Discussion preferred utilizing the City’s legal counsel to conduct group training on a to-be-determined weekday as the most beneficial option.

No vote was taken.

- H. Discuss and consider possible action regarding a request to operate a food service trailer at 14306 Ranch Road 12 in Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson presented the request by LeAnn McLamore to operate a food service trailer to be parked in a dirt area adjacent to the parking lot on the south side of the subject property. The Ranch Road 12 site is expected to serve shaved ice snow cones and will occasionally travel off-site to special events. He noted that the applicant plans to use existing

on-site restrooms and parking for the proposed food service operation and recommended approval. Brief discussion followed on the scope of the food trailer’s menu items.

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

**5. City Council Reports**

- Announcements
- Future Agenda Items

Councilmember Talcott reported that he will be contacting the new Chapel in the Hills minister regarding the scheduling of invocations to be given at Council meetings. Several possible Council budget workshop dates were suggested.

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

**Adjournment:** Council meeting adjourned at 8:05 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 7<sup>th</sup> of August, 2014.

**APPROVED:**



**Steve Thurber, Mayor**

