

**City of Wimberley**  
City Hall  
221 Stillwater  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
October 1, 2015 at 6:00 p.m.

City Council meeting called to order at 6:00 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 Bob Dussler, Cindy Anderson, Mac McCullough, and John White. Councilmember Pam Showalter was absent.

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

### **Citizens Communications**

No citizen comments were heard.

### **Proclamation**

A proclamation of the Mayor of the City of Wimberley, Texas proclaiming the month of October 2015 as *National Domestic Violence Awareness Month* in Wimberley, Texas.  
(*Hays Caldwell Women's Center*)

Mayor Thurber postponed presentation of the proclamation until a representative from Hays Caldwell Women's Center can be in attendance.

### **1. Consent Agenda**

Approval of minutes of the Regular City Council meeting of September 17, 2015

Councilmember McCullough moved to approve the Consent Agenda, as presented. Councilmember Anderson seconded. Motion carried on a vote 4-0.

### **2. City Administrator Report**

- Status report on search for a new city marshal

City Administrator Ferguson reported that the first-place candidate decided to take another position at a state law enforcement agency and advised that Council will be updated on the status of the second-place candidate.

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson reported that mediation on the City's contested TCEQ permit application has resulted in a settlement and anticipated granting of the permit within the next few weeks. He reported that the City's application for funding submitted to the Texas Water Development Board is expected to be on the Board's November or December agenda.

- Status report on the implementation of the City of Wimberley Hotel Occupancy Tax (HOT)

City Administrator Ferguson reported that notices have been sent to lodging owners advising of implementation of the newly approved local HOT tax, which will be effective on October 1, 2015. He noted some calls have been received from notice recipients expressing concerns regarding the exemption listed in the ordinance relating to collection of the tax from individuals who made reservations made before and/or after adoption of the tax on September 3, 2015.

- Status report on the H-E-B Development Project

City Administrator Ferguson reported the store is now open and no calls or complaints have been received regarding traffic. The City and TxDOT will continue to monitor traffic flows to determine what, if any, signal adjustments might need to be made.

- Status report on the Transportation Advisory Board (TAB) Community Outreach Project relating to street improvements

City Administrator Ferguson reported that neighborhood meetings are scheduled for October 13 and 14, 2015 for the downtown and Flite Acres areas. The meetings will be held at 6 p.m. at the Wimberley Community Center.

In addition, City Administrator Ferguson reported on the timeframe for presentation of the Comprehensive Plan Review Committee's survey results and upcoming public meetings to be held by the Committee, which has finalized its initial round of recommendations on the Comprehensive Plan update. He anticipated Council action on proposed update of the Comprehensive Plan in late November or early December.

### **3. 2015 Memorial Day Weekend Flood Matters**

Presentation of an update regarding recovery efforts relating to the 2015 Memorial Day Weekend Flood in the City of Wimberley, Texas. (*City Administrator*)

City Administrator Ferguson presented information on the following topics: Details on the Private Property Debris Removal Program, including application procedures and deadline; Hays County reforestation plan to assist owners of flood-damaged properties (in partnership with Tree Folks, Inc.); and associated fundraising efforts to offset costs.

#### 4. Public Hearings and Possible Action

- A. Hold a public hearing and consider approval of an ordinance approving an application for a conditional use permit (CUP) submitted by William and Elizabeth Stephens to operate a vacation rental facility on approximately 1.143 acres located at 200 South River, Wimberley, Hays County, Texas, zoned Commercial-Low Impact (C-1), 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. (*William & Elizabeth Stephens, Applicants*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning and uses, and existing residence. He noted the applicant is requesting to use the residence as a vacation rental, with a maximum occupancy of four (4) people. Guests would be required to park on the subject property, with no on-street parking allowed. He advised that wastewater service would be provided by an on-site septic system that is properly sized and capable of serving the proposed occupancy. In addition to the applicant's house rules, City Administrator Ferguson read a list of conditions to be made part of the requested CUP, should the Commission desire to recommend approval. He noted that the Planning and Zoning Commission held a public hearing on September 24<sup>th</sup> and unanimously recommended approval, with an additional requirement that the property owner have landline telephone service to enable receipt of emergency notification telephone calls. He said City staff has received no responses either for or against the CUP request.

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

Councilmember McCullough favored the additional requirement for a landline phone and moved to approve the ordinance, as presented, including a provision requiring that the landline phone number be registered with both the City of Wimberley and Hays County emergency notification systems. Councilmember White seconded. Motion carried on a vote of 4-0.

- B. Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Section 155 (Zoning), Appendix F, of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for 0.4188 acres, located at 234 Blanco Drive, Wimberley, Hays County, Texas, designating such property from Single Family Residential 2 (R-2) to Single Family Residential 3 (R-3); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*City of Wimberley, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning, and need to rezone due a zoning error made when the City initiated residential zoning shortly after incorporation. He noted there is a single family residence on the subject property and that no comments, either for or against the requested zoning change, have been received. He advised that the Planning and Zoning Commission held a public hearing at its September 24<sup>th</sup> meeting and unanimously recommended approval.

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

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

- C. Hold a public hearing and consider approval of the Replat of Lots 28, 29, 30 and 31 out of the Harrison Resort Subdivision and an adjacent 0.38 acres and 1,397 square feet out of the Amasa Turner Survey to create a 0.84 lot to be known as Lot 31A and requested variance from the City's lot size requirements. (*Tomas Palm, Applicant*)

City Administrator Ferguson explained the proposed subdivision to consolidate tracts to create a new 0.84 acre lot to be known as Lot 31A. He noted the subject property is currently zoned Commercial – Low Impact (C-1) and the proposed subdivision will not require rezoning. He stated the applicant is seeking a variance from Ordinance 2009-053, which requires a minimum lot size of one (1) acre, however, the applicant is unable to meet the lot size requirement due to the limited size of the tracts being consolidated. He advised that the Planning and Zoning Commission held a public hearing and unanimously recommended approval of the proposed subdivision and associated variance at its September 24<sup>th</sup> meeting.

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

Councilmember White moved to approve the subdivision and variance request, as presented. Councilmember Dussler seconded. Motion carried on a vote of 4-0.

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

- A. Discuss and consider possible action appointing members to the City of Wimberley Hotel Occupancy Tax Advisory Board. (*City Administrator*)

City Administrator Ferguson presented the following names submitted for consideration by the Wimberley Valley Chamber of Commerce, Wimberley Valley Arts and Cultural Alliance, Wimberley Valley Tourism and Lodging Association, and the Wimberley Merchants Association.

- Bob Flocke (*Wimberley Valley Chamber of Commerce*)
- Robert Cook (*Wimberley Valley Arts and Cultural Alliance*)
- Lois Mahoney (*Wimberley Valley Tourism and Lodging Association*)
- Tomas Palm (*Wimberley Valley Tourism and Lodging Association*)
- Mark Bursiel (*Wimberley Valley Tourism and Lodging Association*)
- Dan Sturdivant (*Wimberley Valley Tourism and Lodging Association*)
- Traci Ferguson (*Wimberley Merchants Association*)

City Administrator Ferguson requested Council direction on the timeframe for scheduling the Board's initial meeting and preferred meeting dates/times. Discussion addressed procedures for

handling any possible future Board vacancies, should certain entities cease to exist or Board members resign; minimizing dissension and achieving consensus among Board members; and roles/responsibilities of Board members.

Wimberley Valley Tourism and Lodging Association Chair Albert Valera spoke on the importance of team building in the Board's start-up process, including establishing guidelines, maintaining transparency, and opportunity for maximum public input and collaboration.

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

B. Discuss and consider possible action approving proposed rules for the *Old Baldy Park*.  
(*Parks Advisory Board*)

City Administrator Ferguson presented the following rules, as unanimously recommended by the Parks Advisory Board at its September 16<sup>th</sup> meeting:

*Old Baldy Rules*

- *Park hours are dawn to dusk*
- *No littering*
- *No smoking*
- *No alcoholic beverages and illegal drugs*
- *No glass or foam containers*
- *No tree climbing*
- *No amplified music*
- *No camping*
- *No campfires or BBQ pits*
- *No hunting or harassment of wildlife*
- *No drones or model aircraft*
- *No taking, altering, damaging, destroying, salvaging, or excavating certain vegetation or landmarks*
- *No throwing of rocks*
- *No trespassing on adjacent private property*

City Administrator Ferguson noted that these rules were developed with input from *Old Baldy* neighbors and if approved, will be posted on signage. He advised that future Council action is planned to address concerns relating to traffic flow/parking and definition of Park boundaries.

Councilmember Dussler moved to approve the rules for *Old Baldy Park*, as presented. Councilmember Anderson seconded. Motion carried on a vote of 4-0.

C. Discuss and consider possible action regarding the proposed Fiscal Year 2016 City of Wimberley Wastewater Development Budget. (*City Administrator*)

City Administrator Ferguson explained the need for this item in order to show how loan proceeds are being spent. He anticipated completion of the planning and design phase during this fiscal year and recommended approval. He noted that when construction funds are received, a similar budget will be developed. Discussion addressed costs associated with the City's contract with Plummer and Associates.

Councilmember Anderson moved to approve the proposed Fiscal Year 2016 City of Wimberley Wastewater Development Budget, as presented. Councilmember White seconded. Motion carried on a vote of 4-0.

- D. Discuss and consider possible action regarding a request to place a *2015 Winter's Eve Christmas Festival* banner on a sign located at 13900 Ranch Road 12. (*City Administrator*)

City Administrator Ferguson presented the request from event organizers to install a promotional banner on an existing business sign located at 13900 Ranch Road 12. If approved, the banner announcing this year's festival would be hung on the existing sign located in front of *Santa Fe Connection* and be in place from November 12 – December 13, 2015. It was noted that a similar request was granted earlier this year by Council relating to a *Wimberley Live* banner at the same location. In addition, City Administrator Ferguson advised Council of possible future action that may be needed for street closure(s) and street lighting.

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

- E. Discuss and consider possible action regarding the proposed Fiscal Year 2016 Holiday Calendar for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson recommended approval of the following employee holiday schedule for Fiscal Year 2016, and noted no changes from last year's schedule:

Columbus Day	Monday, October 1, 2015
Veterans Day	Wednesday, November 11, 2015
Thanksgiving	Thursday & Friday, November 26 & 27, 2015
Christmas	Thursday & Friday, December 24 & 25, 2015
New Year's	Friday, January 1, 2016
Martin Luther King Day	Monday, January 18, 2016
President's Day	Monday, February 15, 2016
Good Friday	Friday, March 25, 2016
Memorial Day	Monday, May 30, 2016
Independence Day	Monday, July 4, 2016
Labor Day	Monday, September 5, 2016

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

## 6. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember McCullough requested discussion of the requirement that one-hundred percent of the merchants support street closure(s) for certain events. He also requested an executive session with legal counsel on the issue of Blue Hole Regional Park boundaries.

In response to Councilmember McCullough's inquiry regarding the intersection of Ranch Road 12/FM 3237, City Administrator Ferguson advised that TxDOT is processing signalization changes.

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

**Adjournment:** Council meeting adjourned at 6:47 p.m.

Recorded by:

*Cara McPartland*  
Cara McPartland

These minutes approved on the 15<sup>th</sup> of October, 2015.



**APPROVED:**

*Steve Thurber*  
Steve Thurber, Mayor