

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
October 4, 2012 at 6:00 p.m.

City Council meeting called to order at 6:00 p.m. by Mayor Pro-tem John White.

Mayor Pro-tem White gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Councilmembers Tom Talcott, Mac McCullough, Matt Meeks, Steve Thurber, and John White. Mayor Bob Flocke was absent.

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

Proclamations

- A. Proclamation recognizing the efforts of the Hays-Caldwell Women’s Center and the month of October as *National Domestic Violence Awareness Month*.

Mayor Pro-tem White presented the proclamation to Hays-Caldwell Women’s Center Director of Development and Community Partnerships Charles Vestal, who thanked Council for its recognition and support of efforts to promote awareness of domestic violence.

- B. Proclamation recognizing October as the Hays County Food Bank’s *Turkeys Tackling Hunger Month*.

Mayor Pro-tem White presented the proclamation to Hays County Food Bank representatives Marsha Cooper and Katie Lewis, who thanked Council for its recognition and support of their organization’s efforts to feed those in need. Ms. Cooper provided fundraising statistics and details on the *Turkeys Tackling Hunger* campaign, including partnerships with other organizations, ways to donate, and campaign goals.

Citizens Communications

Wimberley resident David Glenn distributed a handout to Council on the screening of a feature length documentary entitled *SWITCH* hosted by Wimberley Independent School District. He encouraged the public’s attendance at the free screening scheduled for Tuesday, October 16, 2012 at 6:30 p.m. to be held at the Wimberley High School’s J. Gary Wyatt/Lydia Miller Wyatt Theater located at 100 Carney Lane. He stated that this film will debut nationally this fall, provided details on the documentary’s informative exploration of the future of global energy, and asked for Council’s support in publicizing this event.

1. Consent Agenda

- A. Approval of the minutes of the Regular City Council meeting of September 20, 2012
- B. Approval of the minutes of the Special City Council meeting of September 25, 2012

Councilmember Thurber moved to approve all Consent Agenda items, as presented. Councilmember Falcott seconded. For Consent Agenda Item 1A, motion carried on a vote of 5-0. For Consent Agenda Item 1B, motion carried on a vote of 4-0. Councilmember Meeks abstained from voting on Consent Agenda Item 1B.

2. City Administrator Report

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

City Administrator Ferguson reported on payment of the final contractor invoice for Park development, rental of the Park as a venue for weddings and other events, end of the 2012 swimming area season, recreational area attendance, and establishment of soccer field vegetation.

- Status report on the operation of the Wimberley Municipal Wastewater Treatment Plant

City Administrator Ferguson reported that levels remain within permit limits and that meter calibration work is scheduled.

- Status report on the ongoing drought

City Administrator Ferguson presented current U.S. Drought Monitor statistics on nationwide drought conditions and pointed out improvement in local drought conditions and well levels, based on last year's statistics. Though improvements were noted, he advised that close monitoring and updating will continue.

- Status report on issues relating to use of Ranch Road 12 by oversized vehicles

City Administrator Ferguson reported that a letter will be sent to Texas Department of Transportation (TxDOT) regarding its practice of permitting of oversized vehicles that use Ranch Road 12. He related a recent incident involving a large vehicle that caused damage to phone utility lines and trees as it moved through Wimberley along Ranch Road 12. He expressed concerns about TxDOT's automated permitting system and stated the need for more oversight of large vehicle traffic.

- Status report on the *2012 Texas Transportation Enhancement Program*

City Administrator Ferguson reported that this cost-splitting reimbursement program requires that the City pay twenty percent (20%) upfront, which is cost-prohibitive for most projects.

- Status report on the celebration of *National Night Out 2012* in Wimberley

City Administrator Ferguson thanked Council members and all who attended the City's preview event held on October 1, 2012 at the Blue Hole Regional Park and *National Night Out* activities held on October 2, 1012.

3. Public Hearing 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 (CUP) submitted by Mike Yarborough to permit the construction and use of a secondary single family residential structure on a 1.446 acre tract located at 510 South River, Wimberley, Hays County, Texas, zoned Single Family Residential 2 (R-2), 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. (*Mike Yarborough, Applicant*)

City Administrator Ferguson reviewed the CUP request to allow the owner to construct a 360 square-foot addition above the detached garage that will have a bathroom, shower, and open area. Currently, there is a 2,846 square foot home with a 768 square foot detached garage on the subject property. City staff has determined that the subject property's septic system has the ability to handle wastewater from the existing and proposed single family residential units. He stated that one notified property owner, who owns property across the Blanco River from the subject property, expressed opposition to the requested CUP application, based on concerns about increased river traffic. On September 27, 2012, the Planning and Zoning Commission voted unanimously to recommend approval and City staff concurred with that recommendation.

Mayor Pro-tem White opened the public hearing. Hearing no comments, Mayor Pro-tem White closed the public hearing.

Councilmember McCullough moved to approve the item, as presented. Councilmember Talcott seconded. Discussion established that the proposed addition will not change the building footprint or roof line. 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 .56 acres of property located at 400 River Road, Wimberley, Hays County, Texas, designating such property from Commercial - Low Impact (C-1) to Village Inn (VI); and providing for the following: delineation on zoning map; severability; effective date and proper notice and meeting. (*Purple Crown Investments, Applicant*)

City Administrator Ferguson reviewed the zoning change application being sought to allow for the operation of a small lodging operation on the subject property located in Planning Area III. There is an existing grandfathered bed and breakfast/day spa operation on the subject property and the applicant is proposing to acquire the property and replace the existing uses with a 10-room lodging operation. Plans call for interior renovations and upgrading of the septic system to

handle anticipated wastewater needs. All parking will be off-street and at least one parking space will be provided for each room rented. He noted that the subject property meets all of the development standards established for the Village Inn (VI) zoning district, and if approved, would be the first property in the City zoned VI. Two inquiries on the requested zoning change were received. One inquiry did not express opposition, while the second individual expressed concern via email about the impact of the proposed operation on adjacent neighborhoods. On September 27, 2012, the Planning and Zoning Commission voted unanimously to recommend approval and City staff concurred with that recommendation.

Applicant Albert Valera distributed a handout to Council and provided details on the proposed facility's renovation, operation, and management. He expected that traffic counts will decrease significantly, since the subject property will be used as lodging only, instead of the current mixed uses (lodging and a variety of day spa services).

Mayor Pro-tem White opened the public hearing.

Joe Taylor, husband of current owner, Phyllis Taylor, stated that current vehicle traffic of approximately thirty (30) vehicles per day should be significantly less under the proposed use as lodging only.

Mayor Pro-tem White closed the public hearing.

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

4. Discussion and Possible Action on Issues Relating to the Proposed Provision of Wastewater Service to the Central Area of Wimberley

Discuss the status of efforts to communicate with central Wimberley property owners regarding the proposed creation of a Municipal Management District (MMD) to help fund the development of a wastewater system to serve the central Wimberley area. (*Wimberley Central Improvement Area*)

Councilmember Meeks recused himself from the meeting at this time due to a possible conflict of interest.

Wimberley Central Improvement Area (WCIA) Board member John David Carson presented updates on the revised cost analysis, the number of property owners signed up in support of the proposed MMD, and information on communications with affected property owners, including meeting schedule, input, and feedback.

Mr. Carson advised that Water Resources Management (WRM) has updated Preferred Option 4 costs based on an amended interest rate, which was lowered from 2.95% to 2.32%. As a result of this decreased interest rate, the impact fee was adjusted from \$3,566 per LUE to \$3,377 per LUE. In response to comments received from residential property owners, Mr. Carson advised that starting base rates for residential customers have been cut to one-half of the commercial rate,

specifically \$21.15 per month for residential users and \$42.30 per month for commercial users. He noted that the volumetric rate (based on usage) is the same for residential and commercial customers. Mr. Carson stated that the estimated property tax rate has been revised downward to reflect a \$100,000 per year contribution by the City toward the debt service on the collection system. The updated estimated property tax rate was reduced from 67 cents per \$100 of assessed valuation to 32 cents per \$100 of assessed valuation.

Mr. Carson stated that letters were mailed on October 1st to all affected property owners on the aforementioned updated figures. Relating to tracking of support indicated to date by property owners, Mr. Carson advised that WCIA is keeping updated statistics according to number of properties, number of owners, and assessed valuations. He reported on the number of sign-up forms received in support to date (over forty), lack of response from more than half of the property owners in the proposed MMD, response date of October 15th noted in the latest mail-out, and ongoing communication efforts to reach every affected property owner. Mr. Carson stated that a recurring monthly property owner forum has been established for the third Monday of every month at 6 p.m. at the Wimberley Café, with the next meeting to occur on October 15, 2012. He also advised that the WCIA holds weekly meetings every Tuesday at 8 a.m. at the Chamber of Commerce Visitor's Center conference room.

Discussion addressed support indicated to date, feedback from notified property owners, continuing communications with local legislator(s), Council attendance at WCIA meetings, certain loan application deadlines, posting of revised cost analysis results on the City's website, and calculation of support based on number of property owners (who may own multiple properties), number of properties within the proposed MMD, and assessed values. Specifics were provided on the calculation of percentages in support relative to number of properties, property owners, and assessed values. Mr. Carson clarified that if a property owner owns three properties, his/her vote would be counted once, not three times. City Administrator Ferguson advised that Council's next meeting will contain an action item regarding setting a threshold of support needed from property owners, in order to approve MMD-creation.

Audience member Scott Martin said that some property owners were confused by the initial WCIA form and wanted to get another form from WCIA, in order to change their votes. Mr. Carson was not aware of any such requests for forms, but stressed that if someone has already signed up and wishes to change their vote, WCIA would be happy to return or void the initial form, so that the owner may re-submit his/her form. Mr. Carson noted that some property owners who originally signed the petition in opposition have since signed the support form. In response to Mr. Martin's statement that the use of assessed property values to determine the amount of taxes owed is "inherently flawed," Mr. Carson replied that Hays Central Appraisal District assesses property valuations based on factors such as use/classification of properties and that MMDs can only set tax rates, not assess values. Discussion clarified existing tax-related legislation, including ad valorem (property) taxation based on assessed property values. Mr. Martin felt that it was unfair for owners whose properties were valued higher to pay more in taxes and suggested exploring another alternative to the way values are set. Per State law, City Administrator Ferguson advised that ad valorem taxes are assessed to all in the same manner, which is according to property values set by each county's appraisal district. Mr. Carson added that monthly usage charges are based on amount of water used. Discussion addressed possible

legal liability of property owners within the proposed MMD, if created, and assessments versus taxes as funding mechanisms. Mr. Martin maintained that newer owners will be unjustly taxed compared to long-time owners who have successfully protested property valuations over the years and kept their values low.

Discussion continued on letters of support received to date and audience member Deborah Koeck disputed Mr. Carson's accounting of the number of forms received in support and felt that approximately one-half of all affected property owners are in opposition to MMD creation. She said that only one side of the issue is collecting signatures and called for a vote. She felt it unfair that WCIA is counting the votes and stated to Mr. Carson that the two groups for and against the MMD are not working toward the same goal. Mr. Carson assured Ms. Koeck that any property owners who do not respond would be counted as a "no" vote for MMD support and that information on who has signed up in support is readily available. Mayor Pro-tem White stressed that MMD creation is up to the affected property owners to decide and advised that all lines of communication must remain open. Ms. Koeck stated that she has a map indicating those in support and those in opposition and again called for a vote of the affected property owners.

Audience member and Wimberley resident Patti Lewis asked for more detailed information on this issue and City Administrator Ferguson referred her to the City's website for feasibility study results, including an updated cost analysis. Information was also provided on WCIA's meeting schedule. Discussion between Council and Scott Martin established that the Wimberley Water Wastewater Advisory Board has not met on this issue and that the City Council has made a commitment on contributing \$100,000 annually toward the provision of downtown wastewater service. Mayor Pro-tem White asked to close discussion at this time. Councilmember Talcott acknowledged the need for downtown wastewater, but believed that at least fifty-one percent (51%) of property owners need to support creation of the MMD. He asked WCIA representatives what their alternative plan is, should there be an insufficient amount of support. Councilmember McCullough noted that Council has already declined to consider a city-wide ad valorem tax as a funding mechanism for downtown wastewater and Mr. Carson stated that MMD creation was explored due to lack of support for a city-wide ad valorem tax. Specific funding application deadlines were noted. Mayor Pro-tem White closed discussion.

5. Discussion and Possible Action

- A. Discuss and consider possible action authorizing construction of a concrete handicap access ramp in the side yard setback of the Wimberley Community Center property to provide access to the historic *Zach Wimberley House* located on an adjacent property. (City Administrator)

Councilmember Meeks rejoined the meeting at this time.

City Administrator Ferguson explained that the ramp is needed to provide handicap access to the soon-to-be restored *Zach Wimberley House* located on an adjacent property. The ramp is proposed to be located in the southwest corner of the Community Center property within the side yard setback, near the *Senior Citizen Thrift Shop*. If approved, the Wimberley Institute of Cultures (WIC) will be responsible for construction and maintenance of the access ramp and all

associated costs. WIC representative Claire Billingsley spoke of the importance of the *Zach Wimberley House* and its planned restoration, and distributed photos of the house to Council. Discussion addressed the necessity for encroachment into the side yard setback.

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

- B. Discuss and consider possible action approving the Fiscal Year 2013 Holiday Schedule for the City of Wimberley. (*City Administrator*)

City Administrator Ferguson presented the following schedule for consideration:

Veterans Day	Monday, November 12, 2012
Thanksgiving	Thursday, November 22, 2012
Thanksgiving	Friday, November 23, 2012
Christmas Eve	Tuesday, December 24, 2012
Christmas Day	Wednesday, December 25, 2012
New Year's Day	Tuesday, January 1, 2013
Martin Luther King Day	Monday, January 21, 2013
President's Day	Monday, February 18, 2013
Good Friday	Friday, March 29, 2013
Memorial Day	Monday, May 27, 2013
Independence Day	Thursday, July 4, 2013
Labor Day	Monday, September 2, 2013

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

- C. Discuss and consider possible action authorizing the use of City of Wimberley right-of-way for the placement of directional signage for the Wimberley Civic Club's *Hill Country Home Tour* on November 9th and 10th. (*City Administrator*)

City Administrator Ferguson recommended approval of the request to place small signs at certain intersections to help participants find the featured homes. The signage, if approved, would be in place for two (2) days.

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

6. City Council Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson announced the scheduled date/time for the Employee Appreciation Dinner.

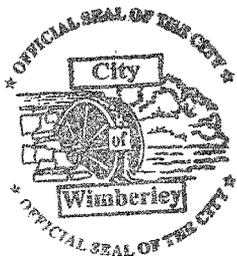
Hearing no further announcements or future agenda items, Mayor Pro-tem White called the meeting adjourned.

Adjournment: Council meeting adjourned at 7:30 p.m.

Recorded by:

Cara McPartland
Cara McPartland

These minutes approved on the 18th of October, 2012.



APPROVED:

Bob Flocke

Bob Flocke, Mayor