

City of Wimberley
City Hall
221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
December 15, 2011 at 6:00 p.m.

City Council meeting called to order at 6:02 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 Tom Talcott, Mac McCullough, Matt Meeks, Steve Thurber, and John White.

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

Citizens Communications

No citizen comments were heard.

1. Consent Agenda

- A. Approval of the minutes of the Special City Council meeting of November 30, 2011
- B. Approval of the minutes of the Regular City Council meeting of December 1, 2011
- C. Approval of the November 2011 Financial Statements for the City of Wimberley

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

2. City Administrator Report

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

City Administrator Ferguson reported on Phase II construction, including recent rain delays and detailed progress on specific amenities such as the pavilion, playground, and trail areas. He anticipated completion of Phase II construction in March 2012 and advised that the Parks and Recreation Board will make a recommendation to Council on January 5, 2012 for the upcoming season's fee schedule.

- Status report on improvements at the intersection of Ranch Road 12 and FM 32

City Administrator Ferguson reported on the completed traffic switch, remaining driveway work, transfer/maintenance of abandoned State right-of-way property, and process for eventual installation of a traffic light at the intersection.

- Status report on the scheduling of City Council workshops with members of the various City boards and commissions

City Administrator Ferguson advised that a calendar will be published by January 1, 2012 to establish a regular meeting schedule, which will include two joint Council workshop meetings per year for each board and commission.

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

City Administrator Ferguson reported that the City received its December sales tax check in the amount of \$37,388, which represents October sales and reflects a nine percent (9%) increase over the same time period last year.

- Status report on the search for a new city marshal for the City of Wimberley

City Administrator Ferguson reported that interviews are ongoing and anticipated a target date of January 6, 2012 for naming of a new city marshal.

In addition, City Administrator Ferguson reported on the status of a temporary tent structure on the Square that has been properly permitted.

3. Presentation

Presentation by representatives of the Friends of Blue Hole regarding a grant received from the Meadows Foundation to help fund the development of the Blue Hole Regional Park. (*Steve Klepfer, Executive Director of the Friends of Blue Hole*)

Steve Klepfer presented background information on the Meadows Foundation of Dallas, which has generously awarded \$150,000 in grant funding for acquisition and development of Blue Hole Regional Park. Appreciation was expressed to the Meadows Foundation and Friends of Blue Hole for their support of Blue Hole Regional Park.

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 (CUP) submitted by Brandon Namken to permit the construction and use of a secondary residential structure on a 4.43 acre tract located at 400 Hillview, Wimberley, Hays County, Texas, zoned Rural Residential 1 (R-1); 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. (*Brandon Namken, Applicant for Jeffrey & Cynthia Anderson, Property Owners*)

City Administrator Ferguson reviewed the subject property's location and current/proposed zoning and uses. He noted that if this CUP is approved, the applicant will submit plans for two (2) residential structures with an architectural style consistent with that of the surrounding

neighborhood. One of the structures will be used a primary residence, while the secondary residential structure will be used as quarters for the property owner's mother-in-law. Inquiries were received on the design of the proposed structures, but no opposition to the CUP request was expressed. He reported on the subject property's topography and on a variance that was approved on December 12, 2011 by the Board of Adjustment for encroachment into the secondary street setback. It was noted that the subject secondary street is a platted, undeveloped road and that access to the property will be from Hillview.

City Administrator Ferguson recommended approval and Planning and Zoning Commissioner Tom Haley reiterated that the Commission voted unanimously to recommend approval at its December 8, 2011 meeting.

Mayor Flocke opened the public hearing.

Neighboring property owner Terry Browning stated that he had no objection to the proposed CUP, provided that the secondary residence is used for the owner's stated purpose as mother-in-law quarters and not for bed and breakfast/vacation rental purposes. City Administrator Ferguson confirmed the property's intended use and stressed that any future use as a bed and breakfast/vacation rental would require the owner to apply for another CUP, which would trigger public notification of the proposed zoning change.

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

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

5. Discussion and Possible Action

- A. Discuss and consider possible action authorizing the city administrator to execute a proposed service agreement with Severn Trent to operate the City of Wimberley Municipal Wastewater Treatment Plant. (*City Administrator*)

City Administrator Ferguson advised that due to ongoing negotiations, no action is needed on this item at this time. He anticipated scheduling a special meeting on Tuesday, December 20, 2011 for possible action on the proposed service agreement. No vote was taken on this item.

- B. Discuss and consider possible action regarding the proposed development of requirements relating to rainwater collection for new commercial and residential development in the City of Wimberley. (*Mayor Pro-tem Steve Thurber*)

Eagle Rock resident Clint Frankmann opposed any requirements based on concerns over uncertain weather conditions and expense to property owners to implement rainwater collection. He felt "diametrically opposed" to more building regulations and cited examples of development that he characterized as "hypocritical," including landscape watering at Blue Hole Regional Park.

Councilmember Thurber provided Mr. Frankmann with information clarifying water usage at Blue Hole Regional Park and asked for Council's input and direction on the issue of rainwater collection requirements. He spoke on the benefits of rainwater collection, drought conditions/forecasting, additional aquifer demands, conservation promotion, incentives for rainwater collection, and residential versus commercial regulations.

Discussion addressed:

- As a starting point, requiring rainwater collection for non-potable uses versus mandating rainwater for all types of uses (including potable uses)
- Allowing for sustainable development
- Types of rainwater collection systems and associated estimated costs
- Encouragement of rainwater collection through public education and incentives
- Existing requirements/obstacles for rainwater collection systems, particularly pertaining to commercial development
- Typical collection statistics for specific rainfall amounts

Discussion favored further discussion and information-gathering on this issue. No vote was taken.

- C. Discuss and consider possible action on Change Order Numbers 008-R1, 011-R1, 017, 018 and 019 relating to the development of the Blue Hole Regional Park. (*City Administrator*)

City Administrator Ferguson reviewed the following change orders:

- Change Order #008-R1 in the amount of \$8,649.44 relating to the spreading of materials for the TCEQ-required biofiltration ponds on the Park site.
- Change Order #011-R1 in the amount of \$11,900.00 relating to additional costs incurred for hand watering at the Park due to drought-related restrictions placed on lawn watering.
- Change Order #017 in the amount of \$8,128.84 relating to the development and placement of temporary signage at certain locations in the Park and the installation of the Park entry gate.
- Change Order #018 in the amount of \$3,602.95 relating to the development and placement of the boulder directional sign for the Way Family Trail and Overlook in the Park.
- Change Order #019 in the amount of \$2,863.28 relating to construction of a stone bench not in the original project scope.

He noted that funding for the above-mentioned change orders would come from the funds raised by Friends of Blue Hole.

Discussion addressed watering of vegetation, including Saint Augustine grass, which is the predominant species at the Park that is effective for holding the soil in place in a riparian area.

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

- D. Discuss and consider possible action regarding a request for a temporary variance from the sign regulations of the City of Wimberley for businesses located at the intersection of Ranch Road 12 and FM 32. (*City Administrator*)

City Administrator Ferguson stated that work on Texas Department of Transportation's (TxDOT's) reconfiguration of the above-mentioned intersection has nearby business operators concerned about customers being able to find their locations, as evidenced by a recent decline in business. He advised that the City is working with TxDOT and Hays County Precinct Three Commissioner Will Conley to help find a short-term solution for better identification of businesses. As a long-term solution, he noted that once the "triangle" tract of property is dedicated to the City, relief may be provided in the form of variances, which would not be allowed under TxDOT's strict policies regarding signage in rights-of-way.

Discussion addressed the negative impact on businesses at the subject intersection, the need to provide immediate relief to keep businesses from suffering any further declines in customers, process for sign variances, most effective types of signage, TxDOT's flexibility regarding its signage policies, and postponement of Council action pending the outcome of business owners' negotiations with TxDOT. No vote was taken on this item.

- E. Discuss and consider possible action regarding the establishment of procedures for the placement of items on City Council agendas by members of City Council. (*City Administrator*)

Councilmember Talcott suggested that timely submission of proper background information be provided for agenda items in order for Council to make informed and educated decisions.

Discussion favored Councilmember Talcott's suggestion, as well as staff's support in gathering and expediting dissemination of submitted information. No vote was taken on this item.

6. City Council Reports

- Announcements
- Future Agenda Items

City Administrator Ferguson reported that a possible item regarding approval of a parade-related road closure may be included in Council's special meeting agenda for Tuesday, December 20, 2011.

As a future agenda item, Mayor Flocke asked for discussion of a position statement by the City regarding the Desired Future Condition (DFC) set by Groundwater Management Area 9 (GMA 9) for the Trinity Aquifer, to be based on presentations by opposing viewpoints. Councilmember Talcott requested inclusion of an executive summary of each side's opinion. It was agreed to schedule discussion and possible action on this issue for Council's January 19, 2012 regular meeting.

Mayor Flocke also requested scheduling of public meetings to hear business owners' issues of importance, as well as holding subsequent public meetings to hear citizens' concerns.

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

Adjournment: Council meeting adjourned at 7:09 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 5th of January, 2012.

APPROVED:



Bob Flocke, Mayor

