

City of Wimberley
 City Hall
 221 Stillwater
 Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
 December 17, 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

Former Mayor Bob Flocke and wife Jenelle Flocke commended Wimberley's spirit of community, particularly evident following recent flood events. He spoke of his family's personal flood-related experiences and need to evacuate. As a token of appreciation, Mayor Flocke presented an ornament made from the wood of a bald cypress tree downed in the Memorial Day Weekend Flood containing the following inscription: "The People of Wimberley – Victorious 5/24/15 and 10/30/15." He stated this Christmas ornament is a symbol of the hope of this wondrous season and of our eternal gratitude for friendship and help following the flood of May 24, 2015. He said that although things were lost in the flood, we gained far greater appreciation for what is important in life – good friends. Mayor Thurber thanked Mayor Flocke, who then placed the ornament on the City's Christmas tree.

1. Consent Agenda

- A. Approval of minutes of the Regular City Council meeting of December 3, 2015
- B. Approval of the November 2015 Financial Reports for the City of Wimberley

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

2. City Administrator Report

- Status report on the Central Wimberley Wastewater Project

City Administrator Ferguson reported that Texas Commission on Environmental Quality (TCEQ) staff is still finalizing language on the discharge permit. He advised that the City's loan application to the Texas Water Development Board (TWDB) is expected to be considered at the Board's February 2016 meeting.

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

City Administrator Ferguson reported that the December check (representing October sales tax collections) totaled \$63,645, which is up about twenty percent (20%) from the same period last year. Also, Fiscal Year-to-date collections are up approximately seventeen percent (17%) from the same period last year.

- Status report on operation of the Blue Hole Regional Park

City Administrator Ferguson reported on the success of the first-ever Blue Christmas celebration, which was held December 5th and highlighted event activities. He anticipated this celebration to continue as an annual one-day event.

- Status report on Hotel Occupancy Tax collections for the City of Wimberley

City Administrator Ferguson reported that October and November monthly collections totaled \$4,837 and \$1,477, respectively. He advised that regular future updates will continue, which should be more comprehensive as quarterly reports will be received in January.

Mayor Thurber thanked staff for its efforts in making Blue Christmas at Blue Hole Regional Park a success.

In addition, City Administrator Ferguson advised that extensive pothole repairs are being completed over the next few days.

3. 2015 Memorial Day Weekend and October 30, 2015 Flood Matters

- A. Presentation of an update regarding recovery efforts relating to the 2015 Memorial Day Weekend and October 30, 2015 floods in the City of Wimberley, Texas. (*City Administrator*)

This item was heard after Agenda Item 5A.

City Administrator Ferguson reported on the number of flood-related building permits issued to date, approximate total value, and anticipated rebuilds.

He reported that the City has submitted an application to FEMA for funding assistance through its Hazard Mitigation Grant Program (HMGP) to help homeowners interested in either elevation or acquisition (or “buy-out”) of flood-damaged properties. He stated approximately twelve (12) property owners expressed interest in the HMGP, with seven (7) owners expressing interest in elevation, and five (5) owners expressing interest in acquisition.

Due to lack of responses to the City’s original Request for Qualifications (RFQ) for the Hidden Valley low water crossing design, City Administrator Ferguson advised that the RFQ has been reissued and includes a January 4, 2016 deadline for submittal of responses.

City Administrator Ferguson reported that shoulder repairs on River Road are scheduled for January 2016. Plans are being developed for upstream gauges along the Blanco River and are anticipated to be installed in January. He cited entities providing funding for the gauges and noted that the City will share maintenance costs.

Relating to the October flood, City Administrator Ferguson reported on a community meeting held by FEMA/SBA, phenomenal community response, and FEMA's Resource Center relocation from the Wimberley Community Center to the Hays County Government Center on Stagecoach Trail in San Marcos. He stressed the importance of registering for assistance by the deadline of January 25, 2016 and cited statistics on FEMA funds distributed to date for Hays County property owners.

Discussion addressed FEMA outreach efforts, public infrastructure repairs, status of various low water crossings, and debris removal (including the Blanco River and on private properties).

- B. Presentation by representatives of *Retreet* relating to the reforestation of the Blanco River banks. (*City Administrator*)

City Administrator Ferguson advised that *Retreet's* representative is not present. He noted that *Retreet* is working with the Nature Conservancy on an upcoming tree planting event.

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 submitted by Henry Winston Ault to operate a vacation rental facility on property located at 201 Blue Hole Lane, Wimberley, Hays County, Texas, zoned Single Family Residential 3 (R-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. (*Henry Winston Ault, Applicant*)

City Administrator Ferguson reviewed the subject property's location, current/proposed zoning, existing flood-damaged structure, and its intended use as a vacation rental, once repairs are completed. Based on a review of the existing permitted and functioning septic system, City staff recommended a maximum occupancy of four (4) people for the proposed vacation rental facility, as opposed to the applicant's requested maximum occupancy of eight (8) people. He advised guests would be required to park on the subject property. In addition to the applicant's house rules, City Administrator Ferguson read a list of conditions to be made part of the requested conditional use permit (CUP), if approved by Council. He noted that one (1) response in support of the CUP request was received by City staff. He advised that the Planning and Zoning Commission held a public hearing and unanimously recommended approval of the CUP at its December 10th meeting.

Applicant Henry Ault questioned the maximum occupancy of four (4) guests, as recommended by staff. He based his reasoning for allowing more guests on the number of people visiting nearby Blue Hole Regional Park's restroom facilities during the swimming area's operating

season. City Administrator Ferguson reminded the applicant that Blue Hole Regional Park utilizes a central wastewater system. Mr. Ault felt it was not fair to only allow four (4) guests and cited the number of public restroom facilities available for the downtown area. Mr. Ault asked if his maximum occupancy could be increased, should he be able to connect to a future central wastewater system, when such an option becomes available. City Administrator Ferguson replied affirmatively. Mr. Ault questioned having to pay for a future CUP amendment and City Administrator Ferguson replied that such fee waivers or reductions are issues to be considered by the Planning and Zoning Commission and City Council. City Administrator Ferguson explained that the maximum occupancy limit is determined by the septic system capacity as defined by the septic permit.

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

Councilmember McCullough moved to approve the ordinance, with the maximum occupancy limit of four (4) guests increased to eight (8) guests. He stated that if there are problems with the septic system, then the number could be decreased later. City Administrator Ferguson stated that the applicant cannot exceed the number allowed per his septic permit. Motion died for lack of a second.

Councilmember McCullough moved to approve the ordinance, as presented, with the provision that the applicant can automatically increase the maximum occupancy to eight (8) people, once the subject property is connected to a future central wastewater system.

City Administrator Ferguson advised that increasing the maximum occupancy to eight (8) people would trigger re-notification requirements to allow for public input. Discussion addressed adding an ordinance provision to waive a possible future CUP amendment fee for this applicant. It was established that any zoning fee waivers/reductions are Code changes to be decided by Council.

Councilmember McCullough restated his motion to approve the ordinance, as presented [for a maximum occupancy of four (4) people], with the provision that the applicant may apply at no cost for a CUP amendment to increase the maximum occupancy to eight people, if he connects to a future central wastewater system. City Administrator Ferguson recommended that the motion include language to direct staff to draft an ordinance addressing fee amendments that apply to everybody, rather than adding a provision on fee reduction that applies specifically to this CUP request.

Councilmember McCullough withdrew his earlier motion and moved to approve the ordinance, as presented (for a maximum occupancy of 4 guests), with direction to staff to draft an ordinance considering changes to the City's Code relating to fees for CUP amendments. Councilmember White seconded. Motion carried on a vote of 3-1, with Councilmember Dussler voting against.

Discussion addressed state regulations related to septic systems and determination of maximum occupancy.

- B. Hold a public hearing and consider approval of an application for the Replat of Lots 1-I of *The Ranch at Wimberley*, establishing a lot to be known as Lot I-V. (*Bruce Peters and Diana K. Patterson, Applicants*)

City Administrator Ferguson explained the proposed Replat to plat one (1) lot having a total of 6.55 acres out of the original Lot 1-H2 and an adjoining Lot 1-I, with the new lot to be known as Lot I-V. He noted that this application qualifies as a Rural Subdivision. Water/wastewater service will be provided by an individual on-site well and on-site sewerage facilities, respectively. He advised that the Planning and Zoning Commission held a public hearing and unanimously recommended approval at its December 10th meeting.

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

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

5. Discussion and Possible Action

- A. Discuss and consider possible action regarding plans for the upcoming Wimberley Civic Club's *IK Wine Walk* on Thursday, March 31, 2016. (*City Administrator*)

This item was heard after Agenda Item 5B.

City Administrator Ferguson provided details on the event's activities, law enforcement, security, and letter of support from the Wimberley Merchants Association.

Event organizer Jolene Conaway added that all TABC requirements will be met and clarified the event's route. Discussion established that no road closures are needed for the event, which is anticipated to benefit Square businesses in general.

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

- B. Discuss and consider possible action recognizing long-time City of Wimberley Transportation Advisory Board member Gene Woodruff. (*City Administrator*)

This item was heard after Agenda Item 2.

Mayor Thurber recognized Gene Woodruff's long record of service and presented him with a proclamation proclaiming Wednesday, January 13, 2016 as "Gene Woodruff Day" in Wimberley.

Mr. Woodruff expressed appreciation to Mayor Thurber for being recognized for his years of service.

6. City Council Reports

- Announcements
- Future Agenda Items

As a future agenda item, Councilmember McCullough requested Council's consideration of a resolution in support of a senior housing development.

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

Adjournment: Council meeting adjourned at 6:49 p.m.

Recorded by:



Cara McPartland

These minutes approved on the 7th of January, 2016.



APPROVED:



Steve Thurber, Mayor