

**City of Wimberley**  
City Hall, 12111 Ranch Road 12, Ste. 114  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
June 4, 2009 at 6:30 p.m.

City Council meeting called to order at 6:30 p.m. by Mayor Tom Haley.

Mayor Haley gave the Invocation and Councilmembers led the Pledge of Allegiance to the United States and Texas flags.

Councilmembers Present: Mayor Haley and Councilmembers Bob Flocke, Bill Appleman, Steve Thurber, and John White. Councilmember Charles Roccaforte had an excused absence.

Staff Present: City Administrator Don Ferguson, City Secretary Cara McPartland, and Assistant City Attorney Cindy Crosby.

### **Citizen Communications**

No citizen communications were heard.

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

- A. Approval of minutes of the regular City Council meeting of May 21, 2009.
- B. Approval of minutes of the special City Council meeting of May 15, 2009.
- C. Approval of minutes of the special City Council meeting of May 26, 2009.
- D. Approval of the April 2009 Financial Statements for the City of Wimberley.
- E. Approval of the reappointment of David Glenn to the City of Wimberley Planning and Zoning Commission (*Place Three Councilmember Bill Appleman's nominee*).

Councilmember Flocke moved to approve all Consent Agenda items as presented. Councilmember Thurber seconded. Motion carried on a vote of 4-0.

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

- Status report on development of Blue Hole Regional Park

City Administrator Ferguson reported on progress to date on hike and bike trail construction, and provided details on timeframe for completion, materials used, design, structures, parking, and work

schedule for Hays County. He anticipated that the City will execute its contract with *Design Workshop* in the coming week.

- Status report on Blue Hole Regional Park summer operations

City Administrator Ferguson reported on snake activity at Blue Hole, which resulted in no injuries to park personnel or visitors. He provided information on admission trends for daily adult/children passes and season pass holders. Mr. Ferguson noted that total revenue is slightly up this season and that rules prohibiting jumping from trees are being enforced. He stated that several reservation requests have been received and reminded that the park will be closed to the public on Friday, July 3, 2009.

- Status report on 2009 building permit activity in Wimberley

City Administrator Ferguson reported on a significant decline in residential/new home building permit activity and a slight decline in commercial building permits. He noted that most residential building permits were issued for remodels/additions.

- Status report on Planning and Zoning Commission review of Zoning Code relating to alcohol sales

City Administrator Ferguson reported that the Planning and Zoning Commission has directed staff to draft an ordinance allowing alcohol sales:

- in restaurants in all commercial zoning districts with a Conditional Use Permit
- for liquor stores zoned Commercial Moderate Impact (C-2) or Commercial High Impact (C-3) with a Conditional Use Permit (except within the Village Center Overlay District)
- in bars/taverns in Commercial High Impact (C-3) districts with a Conditional Use Permit

He outlined current regulations for off-premise consumption and anticipated Council's consideration of this issue to take place in early July.

- Status report on efforts underway to secure state and federal funding for the Downtown Wastewater Project

City Administrator Ferguson reported on a Texas Water Development Board meeting/public hearing to be held on June 12, 2009 at 1:30 p.m. in Austin. He explained the process and timeline for Board action on this matter and anticipated a decision on the City's project by the end of this summer. He reported favorably on the City's ranking and noted that City representation will be present at the meeting. Mr. Ferguson stated that the new plant servicing Deer Creek Nursing Center is on line and that flow issues are being worked out with Deer Creek's management.

- Status report on Fourth of July Fireworks Project

City Administrator Ferguson thanked Council for its attendance at the recent fireworks sponsorship demonstration. He reported that the City's contract with the vendor has been executed in the amount of \$3,500 and noted that \$3,400 has been collected to date, with any overage to be placed into next year's fund.

- Status report on activities of the Wimberley Municipal Court

City Administrator Ferguson reported that a Request for Proposal (RFP) will be issued for a replacement municipal court judge.

- Status report on activities of the City Marshal

City Administrator Ferguson reported on an upcoming meeting with area law enforcement agencies regarding traffic/crowd issues at the Little Arkansas low water crossing. In response to several public inquiries, Mr. Ferguson stated that an incident involving Hays County law enforcement in response to a call for service on CR 1492 last evening has been resolved.

Mayor Haley spoke favorably of the Fourth of July fireworks demonstration and upcoming display and brief discussion addressed the possibility of providing music in some form for the event.

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

Hold a public hearing and consider approval of an ordinance of the City of Wimberley, amending Ordinance No. 2008-002 which designated a particular tract as a Wimberley Planned Development District (WPDD) and imposed certain conditions; and amend Section 155 (Zoning) of the Code of Wimberley, designating geographic boundaries for a particular zoning district and classification for a particular tract located at 14711 Ranch Road 12, Wimberley, Hays County, Texas, changing the zoning designation of a portion of the real property from Single Family Residential 2 (R2) to Wimberley Planned Development District (WPDD) with a base zoning district of Public Facilities (PF); and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting (*Bishop Gregory Aymond, Applicant*).

City Administrator Ferguson reviewed the application and provided specifics on the subject property's location, existing/proposed zoning/uses, project downsizing/re-phasing, and acquisition of two additional lots with requests for rezoning. He reported on turnaround emergency access, changes in roofing material, and Palos Verdes Drive access. Mr. Ferguson noted one response from a neighboring property owner who previously expressed objection to the original WPDD, but does not oppose this application, which reduces the impact of the project. Mr. Ferguson concurred with Planning and Zoning Commission's recommendation for approval.

Mayor Haley opened the public hearing. Hearing no response, Mayor Haley closed the public hearing. Discussion addressed ordinance language relating to rezoning, procedures available should the applicant desire to “upsized” later that allow some flexibility for modification, and prior consolidation of lots under the original WPDD agreement.

Councilmember White moved to approve the item as presented. Councilmember Appleman seconded. Motion carried on a vote of 4-0.

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

- A. Discuss and consider possible approval of an agreement with Blanco National Bank to serve as a bank depository for the City of Wimberley (*City Administrator*).

City Administrator Ferguson advised that the City received only one response to its Request for Proposal (RFP) for depository services from Blanco National Bank (the City’s current depository). Upon review of the bid, Mr. Ferguson recommended approval and stated that under the current agreement the City will be able to draw interest on its assets. For future reference, he noted that there is no statutory requirement that the City have only one depository.

Discussion addressed the advantages/disadvantages of various clearing house options, including comparison of using Federal Reserve Bank, Federal Home Loan Bank, or other major banks as underwriting depositories. Brief discussion ensued on the lack of responses from bidders, security for assets, and the City’s investment policy.

Councilmember Thurber moved to approve the item as presented. Councilmember White seconded. Motion carried on a vote of 4-0.

- B. Discuss and consider possible approval of the appointment of an interim municipal court judge for the City of Wimberley (*City Administrator*).

City Administrator Ferguson stated that Hays County Precinct Three Justice of the Peace Andrew Cable has offered to serve as interim Wimberley Municipal Court judge until a replacement can be found. He advised that staff recommends approval of the interim appointment of Judge Cable who will receive the same hourly compensation as former Municipal Court Judge Don Campbell, who recently resigned.

Discussion addressed conflict of interest rules for courts of record that would prohibit service of Judge Cable should the Wimberley Municipal Court become a court of record. In response to Councilmember White, City Administrator Ferguson clarified that the City of Wimberley Municipal Court became a non-record court in September 2008.

Councilmember Thurber moved to accept Wimberley Municipal Court Judge Don Campbell's resignation and approve the appointment of Andrew Cable as interim municipal court judge for the City of Wimberley. Councilmember Appleman seconded. Motion carried on a vote of 4-0.

- C. Discuss and consider possible action on issues relating to the future operation of the Wimberley Community Center by the City of Wimberley (*City Administrator*).

City Administrator Ferguson reported on budget/deficit trends associated with Community Center operations and projections based on those trends. Details were provided on marketing, rentals/rental fees, and expenses, including those related to personnel. Upon examination of various options such as privatization (outsourcing), Mr. Ferguson felt that some City-run operations experience may give insight into management strategies that would hopefully keep deficits down.

Discussion addressed a possible increase in the current director's working hours, the formation of a small operations oversight committee/advisory board, use of tax revenue for Community Center funding, role of Wimberley Senior Citizens Association, Inc. (WSCAI), other possible uses for the property, and grant-related restrictions on those uses.

WSCAI Board member Curt Busk provided clarification on the five-year operating agreement between WSCAI and the City and Councilmember Thurber expressed appreciation to WSCAI for its admirable performance in fulfilling its contract. Councilmember Thurber felt issuance of a Request for Proposal (RFP) may create ill will and favored retention of the current Board, volunteers, and operational personnel, given lack of assurance that privatization will work. Mayor Haley spoke of possible additions to the existing Community Center (with no impact on current uses of the building) to house City Hall office/storage space in order to avoid rental expenses. Councilmember Flocke agreed with Mayor Haley. Councilmember Appleman felt that adopting a mindset that profitable operations are possible will help future operational success and potential profitability. Discussion addressed enhanced marketing efforts, scope of use, rental fees, organizations that regularly rent Community Center space, zoned air conditioning/utility costs, and establishment of uniform rules for setting rates.

Discussion reached agreement to defer action until Council's next regularly scheduled meeting.

Councilmember Thurber clarified for the record that the subject agreement referred to in the previously approved Agenda Item No. 4A (Blanco National Bank agreement to serve as City of Wimberley depository) is for a period of three (3) years.

At this time, Mayor Haley called a short break in order for Council to be photographed for local media coverage of the City's recently recognized status as one of the top three finalists in the *Envision Central Texas Community Stewardship Awards*.

- D. Discuss and consider possible action on proposed amendments to *The City of Wimberley Governance Policy and Rules of Procedure* (*Place Three Councilmember Bill Appleman*).

Councilmember Appleman moved to make the following change to Section 4.4:

“The Mayor is the spokesperson on all official positions taken by the City Council. The Mayor Pro-tem or alternate City Council designee will assume that role in the Mayor’s absence.”

Councilmember Thurber seconded. Motion carried on a vote of 4-0.

- E. Discuss and consider possible action on a proposal to provide complimentary season passes to part-time employees of the Blue Hole Regional Park (*City Administrator*).

City Administrator Ferguson outlined cost to the City and restrictions to prevent abuse should Council approve this proposal. Mayor Haley stated that complimentary season passes should be applicable to the employee only (not friends/relatives) and that employees’ behavior should set an example for others using the park. Councilmember Thurber suggested setting a minimum number of hours to be worked in order to be eligible for a complimentary season pass. Discussion addressed procedures for issuance/verification of season pass holders, additional staffing, conduct of staff (on- and off-duty), and requiring twenty-five (25) hours per pay period as a threshold for minimum number of hours worked.

Councilmember Thurber moved to approve providing complimentary season passes to part-time employees of Blue Hole Regional Park who work at least twenty-five (25) hours in the course of a pay period. Councilmember Appleman seconded. Motion carried on a vote of 4-0.

- F. Discuss and consider possible action relating to the proposed development of a Joint Governmental Services Facility in Wimberley, Texas (*City Administrator*).

City Administrator Ferguson stated that a response has not been received from Hays County Commissioners Court to a letter dated April 2, 2009 (sent at Council’s direction) requesting evidence of formal action on the proposed development. As communicated by Hays County Commissioner Will Conley, Mr. Ferguson advised that Hays County has hired a consultant to develop firmer cost estimates for the proposed project, which is anticipated to be on Hays County Commissioners Court agenda in late June. Discussion addressed whether action is required or advisable at this time.

Councilmember Thurber moved to direct staff to write a letter to Hays County Commissioners Court informing them that the sixty (60) day period is over; that the City has not had a response to its letter dated April 2, 2009; and, that City Council will not take any further action on this proposal at this time. Motion died for lack of a second.

Councilmember Appleman moved that City staff notify Hays County Commissioners Court of its failure to respond within the sixty (60) day deadline; that Council plans no further action on this item; and, that Council is open to considering any future proposals. Councilmember Thurber seconded. City Administrator Ferguson suggested adding to the motion that Council is not limited in seeking other alternatives. Councilmembers Appleman and Thurber accepted the suggested

addition to the motion. Discussion on the motion addressed the necessity of sending the letter, which does not preclude the City from considering any future proposals from Hays County.

Mayor Haley called for a vote as follows: Councilmember Flocke, nay; Councilmember Appleman, aye; Councilmember Thurber, aye; Councilmember White, nay; Mayor Haley, nay. Motion failed on a vote of 2-3.

## 5. City Council Reports

- Announcements
- Future Agenda Items

Councilmember White requested his Ethics Commission appointment as a future agenda item.

City Administrator Ferguson announced that Council will be receiving updated information on board/commission/committee membership.

As a future agenda item, Councilmember Thurber requested a status update on the Non-Point Source Pollution ordinance.

Hearing no further announcements or future agenda item requests, Mayor Haley called the meeting adjourned.

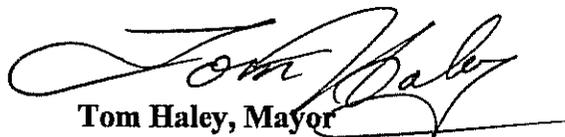
**Adjournment:** Council meeting adjourned at 8:02 p.m.

Recorded by:

  
Cara McPartland

These minutes approved on the 18th of June, 2009.

**APPROVED:**

  
Tom Haley, Mayor

