

City of Wimberley
City Hall, 221 Stillwater
Wimberley, Texas 78676
Minutes of Regular Meeting of City Council
May 6, 2010 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 Charles Roccaforte, Bob Flocke, Bill Appleman, Steve Thurber, and John White.

Staff Present: City Administrator Don Ferguson and City Attorney Cindy Crosby.

Citizens Communications

Spokesperson Rodger Parker cited historical statistics related to past annual Wimberley Community Thanksgiving Dinners, including volunteers/contributors, and funding. He noted prior successful event sites and invited the City to partner with his organization to help sponsor this event by providing space at the Wimberley Community Center for the dinner free of charge.

1. Consent Agenda

- A. Approval of the minutes of the regular City Council meeting of April 15, 2010
- B. Approval of the minutes of the special City Council meeting of April 16, 2010

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

2. City Administrator Report

- Status report on the efforts underway to secure federal funding for the downtown wastewater project

City Administrator Ferguson reported that action on the City's Tier III, Phase I loan application has been postponed until the Texas Water Development Board's (TWDB's) June 17, 2010 meeting agenda. He noted that an agenda will be posted for possible attendance by a quorum of City Council and Water Wastewater Advisory Board members.

- Status report on the development of a *City Street Assessment Report* for use in the preparation of a capital improvement plan for City streets

City Administrator Ferguson reported that the report is being finalized and anticipated presentation to Council at its May 20, 2010 meeting. He reported on bid preparations for approved street projects and the timeframe for processes related to street improvement projects and expected construction completion on September 23, 2010, within the current fiscal year.

- Status report on the preparations for the upcoming May 8, 2010 City of Wimberley General Election

City Administrator Ferguson reported on the schedule/location for voting and noted that election information is available at City Hall, which will be open from 7 a.m. to 7 p.m. on Saturday, May 8, 2010. He stated the timeframe for announcement of unofficial results, canvassing, and assumption of duties by the incoming Council.

- Status report on the designation of a historic structure in Wimberley by the Texas Historical Commission

City Administrator Ferguson reported that the property located at 306 Wimberley Square has been nominated for historic place designation and advised that the Texas Historic Commission plans to review the nomination on May 15, 2010.

- Status report on the plans for a public open house at the new City Hall

City Administrator Ferguson reported on budgeted/actual move-in costs and invited Council's input for the open house event tentatively scheduled for late May.

- Status report on the plans for a reception to recognize the members of the City's various boards and commissions along with other City volunteers

City Administrator Ferguson provided details on the reception, which is scheduled for Wednesday, May 26, 2010 at 5:30 p.m. at the Wimberley Community Center.

- Status report on the Wimberley Independent School District (WISD) capital improvement projects

City Administrator Ferguson reported on the Council's role in helping WISD's bond projects come to fruition, including waiver of various associated fees totaling approximately \$34,000. He conveyed WISD Superintendent Dwain York's appreciation for such waivers.

In response to Councilmember Appleman, City Administrator Ferguson replied that costs for the street improvement projects are being finalized and stated certain project deadlines.

3. 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 submitted by David Estey to allow for a secondary single family residential building on a 5.26 acre tract of land located at 171 Panorama Drive, Wimberley, Hays County, Texas, zoned Residential Acreage (RA), and imposing certain conditions; and providing for findings of fact; amendment of the zoning district map; repealer; severability; effective date; and proper notice and meeting. (*David Estey, Applicant*)

This item was heard after Agenda Item 5A.

Per staff's recommendation, Councilmember Flocke moved to continue this item until Council's meeting on May 20, 2010, to allow for Planning and Zoning Commission's consideration of this case on May 13, 2010. Councilmember Thurber seconded. Motion carried on a vote of 5-0.

4. Ordinances

- A. Consider approval of the second and final reading of an ordinance amending Chapter 50 (Sewers and Water), Section 50.63 (Connection to the Sewer System Required), of the Code of Ordinances of the City of Wimberley, Texas, in order to establish the requirements for mandatory connection to a public wastewater system; and providing for an effective date; proper notice and meeting, severability and repealer. (*City Administrator*)

City Administrator Ferguson clarified a recent *Wimberley View* article and replied to Councilmember White's question about mandatory connection relating to certain types of properties.

Councilmember Thurber moved to approve the item as presented. Councilmember Appleman seconded.

Mayor Haley called for a vote as follows: Councilmember Roccaforte, aye; Councilmember Flocke, aye; Councilmember Appleman, aye; Councilmember Thurber, aye; Councilmember White, aye. Motion carried on a vote of 5-0.

- B. Consider approval of an ordinance of the City of Wimberley, Texas, amending Title XV (Land Usage) of the Code of Ordinances Chapter 151 (Building Regulations; Construction) by adding Section 151.20 (Commercial Screening Buffer) in order to establish regulations regarding screening buffers between commercial and residential uses; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*Planning and Zoning Commission; City Council action on this item was continued on April 15, 2010*)

City Administrator Ferguson reviewed past discussions and clarified revisions to date of the draft ordinance per Council's direction, including the draft copy distributed at tonight's meeting (*attached to these minutes*).

Discussion of the proposed ordinance addressed:

- Effect on specific properties, particularly property recently rezoned at the request of applicant Michael Jones
- Buffering requirements triggered by any building permit application submissions after May 10, 2020
- Applicability to existing and new development
- Existing buffering and various scenarios dealing with removal of buffers by either the commercial or residential property owner
- Submission of a building permit application as the "trigger" for buffering requirements
- Grandfathering of existing commercial/business activities
- Concerns regarding property rights
- Need for standard buffering requirement criteria versus case-by-case consideration and associated challenges, including the significant number of properties recently zoned as part of the City-initiated zoning project
- Waiver provisions and variance procedures
- Examples of regulations imposed over time on existing properties and impact on existing and new development
- Past zoning cases and imposition of buffering requirements for specific properties

Mayor Haley entertained a motion. Councilmember Thurber moved to approve the item as presented in the revised draft ordinance distributed to Council at tonight's meeting. Motion died for lack of a second. No further action was taken on this item.

5. Discussion and Possible Action

- A. Discuss and consider possible action regarding a request for speed humps on Las Flores Drive. (*Mayor Tom Haley*)

This item was heard after Agenda Item 5B.

City Administrator Ferguson recalled past discussions/actions relating to Las Flores Drive traffic and stated recent concerns expressed in writing by residents over upcoming street improvements that they fear may compound existing speeding problems.

Spokesperson David DiTraglia of 16 Las Flores Drive expressed frustrations felt by neighborhood residents over efforts to deal with speeding and cut-through traffic. He directed Council's attention to a request signed by neighborhood residents for a public hearing relating to possible installation of speed humps and a highlighted map detailing problem routes through the neighborhood (*attached to these minutes*). Other problems cited included inadequate traffic enforcement, litter, noise,

accidents due to excessive speed, and general disregard for Las Flores residents' lifestyle. Mr. DiTraglia cited specific incidents of speeding vehicles that compromised his personal safety and noted that most problem encounters are with neighborhood non-residents. In light of the resurfacing underway on Las Flores Drive, Mr. DiTraglia urged Council to listen to concerns and consider speed humps as a way to ensure compliance with the posted twenty-five (25) mile per hour speed limit.

Vance Hobbs of 13 Las Flores Drive stated that residents are discouraged and noted personal observations of speeding cut-through traffic. He collected signatures on the public hearing request from neighborhood residents and cited lack of enforcement of the posted twenty-five (25) mile per hour speed limit. Mr. Hobbs stated that almost all speeding is committed by non-residents and noted conversations with various officials about possible closing of Las Flores Drive to through traffic. Because Las Flores Drive is being resurfaced, Mr. Hobbs felt that the time is right for installing speed humps, which would could provide protection for residents and school children, and also eliminate the need for constant policing. Mr. Hobbs closed by providing examples of speed humps in areas with/without curbs, thanked Council, and hoped for assistance with residents' concerns.

Jean Veriato of 8 Las Flores Drive cited a threatening incident with a motorist during an early morning walk and felt that lives are being jeopardized due to lack of control over speeding vehicles. She feared that residents backing out of their driveways are at risk of being hit by speeders. Ms. Veriato felt that the City could be subject to legal action should an accident occur due to uncontrolled speeding. She asked Council to consider speed humps as a deterrent that would not require extra traffic enforcement measures.

Connie Crocker of 320 La Buena Vista felt that the removal of a prior stop sign at De Luna Lane has caused an increase in speeding. She favored installation of speed humps and additional stop signs to control speeders, urged action before pedestrians are injured, and cautioned Council of possible liability to the City.

Mitchell Long of 4 Las Flores Drive agreed with the previous speakers and felt that the curve near the warehouses is particularly dangerous, given existing skid marks left by speeding vehicles. He noted the former City Marshal's presence as a deterrent and cited problems with litter thrown from vehicles.

Discussion among Council, City Administrator Ferguson, and City Attorney Crosby included:

- Personal observations of speeding through the Las Flores neighborhood and concerns about installing speed humps on streets without curbing
- Suggested use of bollards as an alternative to curbing to stop vehicles from driving into residents' yards to avoid speed humps
- City's immunity from liability for possible damage to vehicles from speed humps/bollards
- Potential problems with different types of engineered traffic control devices
- Need for traffic enforcement

- Closing of cut-through streets as a possible solution
- Estimated cost of various types of speed humps
- Location of additional stop signs
- Use of a “Jersey Wall” (concrete barrier) as a means to eliminate cut-through traffic
- Effectiveness/benefits/risks of traffic control devices
- Enforcement as a solution for speeding cut-through traffic, including the possibility of closing Las Flores Drive to through traffic
- Location of existing/proposed stop signs
- Impact of restricted access on neighborhood residents, businesses, public safety, and emergency services
- Use of barricades and ability to move/remove, if needed
- Eliminating the need to realign the Las Flores/Texan Boulevard intersection by closing Las Flores to through traffic
- Preference for blocking Las Flores Drive in order to eliminate cut-through traffic over installation of speed humps
- Procedures for street closing, including necessary engineering review

Mayor Haley entertained a motion to request an engineering review. Councilmember Appleman moved to request that the City Engineer review and provide option(s) to Council on blocking Las Flores Drive to cut-through traffic. Councilmember Thurber seconded. Councilmember Roccaforte requested an amendment to the motion adding language specifying that any installed barricades be removable in the event objections/problems are encountered later. Councilmember Appleman accepted Councilmember Roccaforte’s friendly amendment to the motion. Councilmember Thurber seconded the amended motion.

Mayor Haley called for a vote on the friendly amendment to the motion. Motion carried on a vote of 5-0.

Mayor Haley called for a vote on the original motion. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action on a proposal for the City of Wimberley to participate in the 22nd Annual Wimberley Community Thanksgiving Dinner. (*City Administrator*)

This item was heard after Agenda Item 2.

City Administrator Ferguson advised that the scope of the City’s participation in this event is limited to providing space at the Wimberley Community Center.

Councilmember White moved to waive all fees for use of the Wimberley Community Center for this event. Councilmember Roccaforte seconded.

Councilmember Thurber inquired about the event’s date (Thanksgiving Day). Councilmember Appleman expressed concerns about Community Center deficits, acknowledged that the

Community Thanksgiving Dinner is a worthy cause, and hoped that future operations could break even or even be profitable over time.

City Administrator Ferguson noted that any motion to approve should include a statement that waiver of rental fees serves a public purpose, with Council in agreement that the motion to waive fees serves a public purpose. Discussion established that Council would be waiving approximately \$800 to \$1,000 in rental fee revenue, not including utilities.

Motion carried on a vote of 5-0.

- C. Discuss and consider possible approval of a request from Cadence Sports, Inc. and the Friends of Blue Hole to utilize the Blue Hole Regional Park for the inaugural *Shammies 'n Koozies Ride 'n Float* on Saturday, June 12, 2010 and to waive the reservation fees for the use of the park. *(City Administrator)*

City Administrator Ferguson provided details on the first annual event's organizers/partners and noted that use of Blue Hole Regional Park for this event will not affect the park's normal operations. He recommended approval of this request.

Discussion addressed law enforcement for traffic control and allocation of fundraising proceeds.

Councilmember Flocke moved to approve the item as presented. Councilmember Thurber seconded. Motion carried on a vote of 4-1. Councilmember Roccaforte voted against.

- D. Discuss and consider possible action regarding a proposal to improve the appearance of the concrete retaining wall in the 14000 block of Ranch Road 12, Wimberley, Texas. *(Place Four Councilmember Steve Thurber)*

Councilmember Thurber stated that *Keep Wimberley Beautiful* has plans for landscaping that will trail down over the wall, therefore, he wished to withdraw this item for consideration. No action was taken on this item.

6. City Council Reports

- Announcements
- Future Agenda Items

In response to Councilmember Appleman, City Administrator Ferguson stated that a ribbon-cutting ceremony is planned for the Ranch Road 12 landscaping project at the recently completed wall at River Road and Ranch Road 12.

Hearing no further announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 8:15 p.m.

Adjournment: Council meeting adjourned at 8:15 p.m.

Recorded by:

Cara McPartland

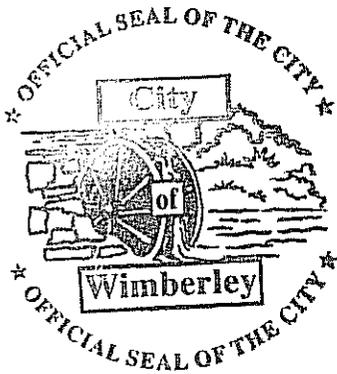
Cara McPartland

These minutes approved on the 20th of May, 2010.

APPROVED:

Bob Flocke

Bob Flocke, Mayor



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING TITLE XV (LAND USAGE) OF THE CODE OF ORDINANCES CHAPTER 151 (BUILDING REGULATIONS; CONSTRUCTION) BY ADDING SECTION 151.20 (COMMERCIAL SCREENING BUFFER) IN ORDER TO ESTABLISH REGULATIONS REGARDING SCREENING BUFFERS BETWEEN COMMERCIAL AND RESIDENTIAL USES; AND PROVIDING FINDINGS OF FACT, A REPEALING CLAUSE, TO PROVIDE A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wimberley, Texas (the "City") seeks to provide for the health, safety and welfare of its citizens, and provide for the orderly development of land within its corporate limits and its extraterritorial jurisdiction; and

WHEREAS, the City has the authority to regulate screening fences pursuant to Texas Local Government Code Chapters 51, 52 and 216; and,

WHEREAS, the regulations established by the Code are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and

WHEREAS, parties in interest and citizens have had an opportunity to be heard at a public hearing conducted by the City Council, agendas for each meeting were posted at City Hall more than seventy-two (72) hours prior to the respective hearing; and,

WHEREAS, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City, its interest, welfare, and good order of the City as a body politic.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment.

A. THAT the City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 151 (Building Regulations; Construction) is hereby amended to add section 151.20 (Commercial Screening Buffer) to read as follows:

“§ 151.20 Commercial Screening Buffer

(A) A landscape buffer is required along all commercial property lines abutting property zoned or used for residential purposes so as to visually screen the commercial uses. Except as provided herein, an eight (8) foot wide evergreen buffer shall be installed consisting of native, adaptive and drought tolerant bushes, shrubs and plant materials normally expected to reach eight (8) feet in height in three (3) years time. The buffer shall be installed prior to the issuance of any certificates of occupancy or as required in accordance with this section.

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Deleted: Where no natural vegetation exists to visually screen the uses,

(B) If the commercial property owner provides proof that natural vegetation exists on the commercial or abutting property, then this buffer requirement may be waived as determined by the City Administrator; however, if the existing vegetation is removed at a later date for whatever reason, then the commercial property owner shall be responsible for installation of an evergreen buffer as described herein within thirty (30) days of the removal of the existing vegetation.

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(C) Invasive and exotic plants shall not be used. The landscape buffer shall be irrigated and maintained by the commercial property owner at all times and vegetation replaced or installed, as needed, to ensure continuous year-round screening. The width of the buffer shall be included as part of the required setbacks.

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Deleted: The buffer shall be installed prior to the issuance of any certificates of occupancy.

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(D) The following variance procedure shall only apply to this section. Any person, business or other organization desiring to install a buffer which does not conform to the provisions of this section 151.20 may submit an application to the City Council for a variance to the provisions of this section. The application shall be filed with the City Administrator, accompanied by the appropriate fee established by the City. The City Council may impose such conditions or requirements in a variance as are necessary in the City Council's judgment to achieve the fundamental purposes of this section. A violation of such conditions or requirements shall constitute a violation of this section."

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Except as expressly amended herein, the Code of Ordinances shall remain in full force and effect.

Section 3. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

PASSED AND APPROVED this ____ day of _____, 2010, by a vote of ____ (Ayes) to ____ (Nays) ____ (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS

Tom Haley, Mayor

ATTEST:

Cara McPartland, City Secretary

APPROVED AS TO FORM:

Carolyn J. Crosby, City Attorney

4/15/10

HELP SAVE OUR NEIGHBORHOOD-REQUEST SPEED HUMPS

The undersigned residents are opposed to the resurfacing Las Flores and La Buena Vista without speed humps to slow the traffic down to the legal limit of 25 MPH for the following reasons:

- a. Cars and trucks travel these streets way above the speed limit. In fact, many drivers ignore the stop sign since they know there is minimal to no enforcement. We need to have a physical limit like speed humps to stop speeders-constant enforcement of the speed. There is a long history of speeding accidents on these streets.
- b. We have many school children and adults that walk the streets, some with their dogs, in our residential neighborhood. We have a fellow in a wheelchair that has been nearly hit more than 10 times because of drivers speeding on the cut-through from RR12 to RR 2325. Most of these drivers are not from our neighborhood and show little regard for the our residents (speeding, loud noise, and litter).
- c. The new surface will encourage more use by trucks (even though legally they are not allowed) and cars on RR12 to RR2325 cut-through using Las Flores Drive instead of turning on Emergency Lane or going past Ace Hardware and turning on RR2325. If the road is straightened out by Las Flores and RR2325 then speeding will be easier.
- d. Since this street is being resurfaced, **now** is the time to install the speed humps. Speed humps work in many nearby communities like Austin (some on main heavily traveled streets like Duval and 12th Street to name a couple) and Westlake to slow traffic to 25 MPH without having to have constant police surveillance. It has worked fine in those Texas communities and many others around the US. Ask those municipalities. We are sure the cities are not installing the speed humps to waste time, money, and cause more problems but to protect their citizens.

WE REQUEST A PUBLIC HEARING TO ALLOW THE CITY TO TELL US THEIR OPPOSITION TO PHYSICALLY CONTROLLING DRIVING SPEED BY INSTALLING SPEED HUMPS TO PROTECT OUR RESIDENTIAL NEIGHBORHOOD AND GRADE SCHOOL ZONE.

Name

- 1 *Janet Hobbs* 13 LAS FLORES DR.
- 2 *DAVID DITRAGLIA* 15 LAS FLORES DR.
- 3 *MARGARET B. MADDOX* 7 LAS FLORES DR. WIMBERLEY
- 4 *SCOTT REYNOLDS* 299 LAS FLORES DR. WIMBERLEY.
- 5 *ANNE MCFADDEN* - 14 LAS FLORES DR. WIMBERLEY
- 6 *Jean Veriato* 8 Las Flores Wimberley
- 7 *DM O'Quinn* 9 LAS FLORES DR. WIMBERLEY
- 8 *Jane McGuire* 9 Las Flores Dr. Wimberley

- 9 T. Sedam - 10 Las Flores Dr, Wimberley TX 78676
- 10 Thomas Wells 16 Las Flores Dr., Wimberley, TX. 78676
- 11 Mitchell Long 4 Las Flores Dr., Wimberley, TX 78676
- 12 Fred & Darlene Shuttlesworth 321 La Buena Vista Wimberley TX 78676
- 13 CRAIG & CANDI FOWLE 311 LA BUENA VISTA WIMBERLEY 78676
- 14 DALE & CONNIE CROCKER 320 LA BUENA VISTA WIMBERLEY TX. 78676
- 15 Mary Ann & Martin DeLeon 330 LA BUENA VISTA DR. WIMBERLEY, TX
- 16 Jon Hobbs 13 Las Flores
- 17 Mark Zenoach

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