

**City of Wimberley**  
City Hall, 12111 Ranch Road 12, Ste. 114  
Wimberley, Texas 78676  
**Minutes of Regular Meeting of City Council**  
December 3, 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 Charles Roccaforte, Bob Flocke, Bill Appleman, Steve Thurber, and John White.

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

### **Citizens Communications**

Planning and Zoning Commissioner Jean Ross spoke on behalf of Terrie Bursiel, who expressed thanks to the following:

- Mayor Haley, City Administrator Ferguson, and Public Works Assistant Bill Bowers for help in the acquisition/installation/decoration of the Christmas tree located at the "Y" intersection at Ranch Road 12 and FM 2325
- Local realtor Brenda Samford for organizing the lighted Christmas parade
- City Administrator Ferguson for acquiring the plywood for the large Christmas card displays painted by Wimberley students
- Jean Ross and Mark Bursiel for help in installing lights
- Martha Knies and *Keep Wimberley Beautiful* for hanging garland on the Cypress Creek Bridge
- Wimberley merchants for participation in the Creekside Christmas decorating contest

She closed by thanking everyone for their contributions and hoped that Christmas decorations/events will continue to grow in the future. Mayor Haley thanked Commissioner Ross, Terrie Bursiel, and Mark Bursiel for a fantastic job this year.

### **1. Consent Agenda**

- A. Approval of the minutes of the regular City Council meeting of November 19, 2009.
- B. Approval of the October 2009 City of Wimberley Financial Statements.
- C. Approval of the revised September 2009 City of Wimberley Financial Statements.

Councilmember Thurber pulled Consent Agenda Item 1B. Councilmember Thurber moved to approve the remaining Consent Agenda items as presented. Councilmember Appleman seconded. Motion carried on a vote of 5-0.

Discussion addressed specific items including a reimbursement made for a withdrawn zoning application, explanation for a negative balance under Public Safety-Personnel, and payment made for road repair/patches.

Councilmember Thurber moved to approve Consent Agenda Item 1B as presented. Councilmember Appleman seconded. Motion carried on a vote of 5-0.

## **2. Presentation**

Presentation of a progress report by *Design Workshop* on the preliminary design phase of the Blue Hole Regional Park Development Project. (*Steven Spears, RLA, Design Workshop*)

Representatives Steven Spears and Rebecca Leonard presented a review of the project phasing and timelines for each phase, as well as information on:

- Processes and scope of the project
- Comprehensive project approach encompassing environment, economics, community, and art
- Community outreach, including a project website
- Focus/stakeholder/public meetings
- Blue Hole Development Task Force meetings
- Critical success factors based on the Blue Hole Master Plan
- Design processes and options, including materials
- Project goals, including economic and artistic goals
- Site/concept plan options
- Signage plan

Discussion addressed upcoming phases, light pollution/landscape irrigation concerns, and *Design Workshop's* emphasis on both short- and long-term economic planning for park construction, operation, management, and maintenance.

Mayor Haley invited comments from former Councilmember Marilee Wood, who thanked the City for allowing her to be part of this project which has been blessed throughout the process of land acquisition and project planning. She expressed confidence in *Design Workshop's* abilities to design an economically and environmentally sound project. Councilmember Appleman expressed concerns "about the economic environmental project related to lighted tennis courts on the property."

### 3. City Administrator Report

- Status report on the efforts to secure state and/or federal funding for the development of a centralized wastewater system for downtown Wimberley

City Administrator Ferguson reported on the ninety (90) day loan submission process, upcoming meetings, finalization of the Preliminary Engineering Report (PER), and Guadalupe Blanco River Authority (GBRA) costs analysis. He stated that Texas Commission on Environmental Quality (TCEQ) has notified the City of its fully compliant status since beginning operation of the new plant.

- Status report on the 2009 Wimberley Christmas celebration

City Administrator Ferguson thanked Jean Ross, Terrie Bursiel, and Mark Bursiel for their decorating efforts and noted that the *Winter's Eve* celebration is scheduled for December 5, 2009 in the Square.

- Status report on the selection of a firm to prepare a boundary survey for the City of Wimberley

City Administrator Ferguson reported that five (5) responses were received to the City's Request for Qualifications (RFQs). He stated that interviews with four (4) or the five (5) respondents are scheduled for Monday, December 7, 2009 and anticipated bringing firm name(s) for consideration at Council's December 17, 2009 meeting.

- Status report on development activity in the City of Wimberley

City Administrator Ferguson stated that this report will be presented at Council's next meeting on December 17, 2009.

- Status report on the effort to designate a Wimberley truck route

City Administrator Ferguson reported that the City of Woodcreek is not ready to move forward with a proposal at this time due to concerns related to through truck traffic and noted details of recent discussions, including possible acceptable signage options. He hoped that future discussions can reach a common goal of resolving through truck traffic problems.

City Administrator Ferguson responded affirmatively to Mayor Haley's request to provide Council with more than one (1) option for consideration of respondents to the City's RFQ for firms to prepare a boundary survey.

#### 4. Public Hearing and Possible Action

Hold a public hearing and consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas, amending Title XV (Land Usage) of the Code of Ordinances to: (1) Amend Subsection 155.005 to delete definitions of “Average Slope”; (2) Amend Subsection 155.078(H) (Steep Slope); (3) Amend portions of Section 155.077 (Development Plan Review); (4) Amend Chapter 151 (Building Regulations; Construction) to create a new Subsection 151.20 entitled “Steep Slope”; (5) Amend Subsection 155.078 (Impervious Cover); and amend a portion of Sections 155.035-.043, 155.045-.061, and 155.091 (Zoning Districts), in order to clarify the steep slope and impervious cover regulations for the City of Wimberley; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*Mayor Pro-tem Charles Roccaforte*)

City Administrator Ferguson reviewed past discussion at Council’s first reading and recommended additional clarifying language to be added to the following sections of the draft ordinance:

End of §155.077(D)(6) and end of §151.20(H)(8): “. . .; *and failure to obtain written approval specifying that services can be provided by all applicable emergency service entities to the subject property shall result in automatic denial of the application by the City.*”

No public comments were heard.

Discussion addressed concerns raised by Councilmember White relating to qualifications of emergency service entities (particularly the fire department) that must determine what effect slope has on safe access. Discussion included the ability of emergency service entities to identify and resolve safety issues and process for designating employee(s) within each entity who will be responsible for making safety determinations.

Councilmember Thurber moved to approve the ordinance with City Administrator Ferguson’s previously stated additional language. Councilmember Roccaforte seconded. Councilmember Thurber asked whether the motion should specifically designate personnel at each emergency service entity who would be responsible for determining property slope’s impact on safe access. Agreement was reached not to amend the motion. Motion carried on a vote of 5-0.

#### 5. Ordinances

- A. Consider approval of the first reading of an ordinance of the City of Wimberley, Texas, amending Title IX (General Regulations) of the Code of Ordinances to add Chapter 95 (On-Site Sewage Facilities Regulations) which provides for installation, maintenance and permitting requirements for on-site sewage facilities in the City of Wimberley; and providing for penalties, findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*City Administrator*)

City Administrator Ferguson compared the draft ordinance to Hays County's environmental health ordinance, noted slight modifications, and anticipated further customization of the ordinance over time as the City's inspection program develops.

Discussion addressed similarities/differences between the City's draft ordinance and Hays County's ordinance relating to annual reporting requirements for aerobic systems. Questions were raised by Councilmember Appleman relating to the necessity for specific language about proximity of aerobic system septic fields to creeks/rivers when effluent is deemed cleaner than tap water. Mr. Ferguson stated that it was recommended by TCEQ that draft ordinance language reflect consistency with the City's Protected Water Overlay District requirements. Absent evidence of pollution, Councilmember Appleman felt that the draft ordinance language is too restrictive to citizens in its specified minimum required separation distances. Discussion addressed the possibility of amending Protected Water Overlay District requirements.

Councilmember Thurber moved to approve the item as presented on first reading. Councilmember Roccaforte seconded. Councilmember Appleman requested further discussion with staff on amended language for possible inclusion in the draft ordinance's second reading. Motion carried on a vote of 4-1. Councilmember Appleman voted against.

- B. Consider approval of the first reading of an ordinance of the City of Wimberley, Texas, amending Title IX (General Regulations) of the Code or Ordinances to add Chapter 94 (Food Establishment Regulations) which provides operating regulations and permitting requirements for food establishments in the City of Wimberley; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*City Administrator*)

City Administrator Ferguson highlighted elements of the proposed ordinance. Hearing no further comments, Mayor Haley entertained a motion.

Councilmember Flocke moved to approve the item as presented. Councilmember Roccaforte seconded. Motion carried on a vote of 5-0.

- C. Consider approval of the first reading of an ordinance of the City of Wimberley, Texas, amending Title III (Administration), Section 35.01 (Fee Schedule) of the Code of Ordinances to add Subsections G. and H., to provide for fees related to food establishment inspections and on-site sewage facilities, respectively; and providing findings of fact, a repealing clause, to provide a savings and severability clause and providing for an effective date. (*City Administrator*)

City Administrator Ferguson detailed certain fee structures and compared the City's proposed fees to fees charged by Hays County and the City of Dripping Springs. Discussion addressed specific fee amounts and the City's need to recover its costs via pass-through fees. Various scenarios involving citizen complaints were discussed and potential problems associated with

prosecuting/defending citizen-generated complaints. Brief discussion ensued on ways to maintain consistency in the inspection process through adequate monitoring by City staff.

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

## **6. Discussion and Possible Action**

- A. Discuss and consider possible action on issues relating to the wastewater rates currently levied on users of the City of Wimberley Wastewater Treatment Plant. (*City Administrator*)

This item was heard after Agenda Item 6B.

Mayor Haley adjourned Open Session and convened into Executive Session at 7:46 p.m. for consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code.

Mayor Haley adjourned Executive Session and reconvened Open Session at 7:56 p.m. No action was taken on this item.

- B. Discuss and consider action on issues relating to the possible acquisition of Lot 80 (0.814 acres) in South River Unit One, Wimberley, Texas. (*Mayor Tom Haley*)

This item was heard after Agenda Item 5C. Mayor Haley stated that a contract has been tendered and that no action is needed at this time. No action was taken on this item.

## **7. City Council Reports**

- Announcements
- Future Agenda Items

Councilmember Thurber announced the upcoming performance schedule for Starlight Symphony this coming Saturday and Sunday.

As a future agenda item, Councilmember Appleman requested quarterly reports on Wimberley Community Center operations starting in January 2010.

As a future agenda item, Councilmember Flocke requested consideration of fees charged to non-profit organizations for use of the Wimberley Community Center. City Administrator Ferguson advised that the Parks Board is working on recommendations to Council regarding the Community Center's fee structure.

Hearing no further announcements or future agenda item requests, Mayor Haley called the meeting adjourned at 7:58 p.m.

**Adjournment:** Council meeting adjourned at 7:58 p.m.

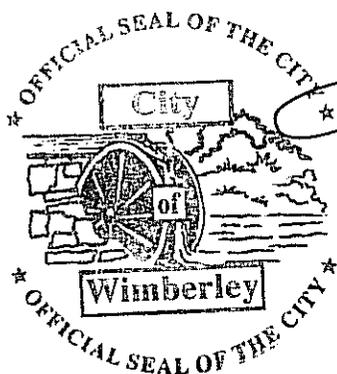
Recorded by:

*Cara McPartland*

Cara McPartland

These minutes approved on the 17th of December, 2009.

**APPROVED:**



*Tom Haley*  
**Tom Haley, Mayor**